

By Mr. DICKINSON: A bill (H. R. 27456) for the relief of James M. Mock; to the Committee on Military Affairs.

Also, a bill (H. R. 27457) granting an increase of pension to James K. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27458) granting an increase of pension to Robert A. White; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 27459) granting a pension to Barbara Henderson; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 27460) granting an increase of pension to David F. Forney; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 27461) granting an increase of pension to Allen T. Landress; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27462) granting an increase of pension to John A. McDermott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27463) for the relief of the legal representatives of George W. Spruce, deceased; to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 27464) for the relief of John M. Green; to the Committee on Military Affairs.

Also, a bill (H. R. 27465) granting a pension to Frederick M. Ottmar; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 27466) granting a pension to David W. Brannen; to the Committee on Pensions.

Also, a bill (H. R. 27467) granting a pension to Amos W. Hills; to the Committee on Pensions.

Also, a bill (H. R. 27468) granting a pension to Lucetta Bentz; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 27469) granting an increase of pension to William R. Whittaker; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 27470) granting an increase of pension to Horace W. Hunt; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 27471) directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose; to the Committee on Claims.

By Mr. HOBSON: A bill (H. R. 27473) granting a pension to Sarah B. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27474) granting an increase of pension to La Salle C. Pickett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of citizens of Cincinnati, Ohio, favoring an investigation by Congress of the mining conditions in West Virginia; to the Committee on Labor.

By Mr. ANDERSON: Papers to accompany bill granting a pension to Michael Fogarty; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of the Sisters of Notre Dame of St. Louis, Mo., favoring passage of a bill for reduction of postage on all written school work and examination papers; to the Committee on the Post Office and Post Roads.

Also, petition of Edward V. P. Schneiderhahn and the St. Louis Branch of the American Federation of Catholic Societies, of St. Louis, Mo., protesting against the passage of the Jones bill granting the Philippine Islands their independence; to the Committee on Insular Affairs.

By Mr. BURNETT: Petition of the Farmers' Educative and Cooperative Union of America, favoring the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Manila Welfare Committee, favoring a bond issue of \$10,000,000 for the reclaiming and making sanitary the swamp lands around Manila; to the Committee on Insular Affairs.

Also, petition of the National Society for the Promotion of Industrial Education, favoring the vocational education bill; to the Committee on Education.

By Mr. GALLAGHER: Petition of the Chicago Woman's Aid, Chicago, Ill., favoring legislation reducing the tax on oleomargarine from 10 cents per pound to not more than 2 cents; to the Committee on Agriculture.

By Mr. HINDS: Papers to accompany bill granting a pension to Barbara Henderson; to the Committee on Pensions.

Also, petition of the First Baptist Church of Yarmouth, Me., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquors into dry territory; to the Committee on the Judiciary.

Also, papers to accompany a bill to amend and correct the military record of Thomas Decker; to the Committee on Military Affairs.

By Mr. MERRITT: Petition of Rev. James A. Perry and others, of Champlain, N. Y., and of Rev. C. E. Torrance and others, of Chazy, N. Y., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SIMMONS: Petition of 34 residents of Silver Springs, N. Y., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of 49 members of the Congregational Christian Endeavor of Kalamazoo, Mich., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of 53 citizens of Kalamazoo, Mich., protesting against the passage of any legislation enlarging the parcel-post zone bill; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, January 2, 1913.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O God, our help in ages past, our hope for years to come, as Thou dost open before us the portals of a new year we enter with thanksgiving for all Thy mercies and with fervent prayers for Thy continued guidance. Hitherto, O Lord, hast Thou led us; take not from us now, we beseech Thee, Thy tender compassions. We know not the way before us, neither do we ask; we are content, our Father, to follow where Thou shalt lead us and to commit our lives to Thy keeping. So receive us, and grant that no sorrow may overwhelm us, and that no prosperity may make us forget Thee. And so at the end of the year, as at its beginning, may we render unto Thee thanksgiving and praise. And Thine shall be the glory now and forevermore. Amen.

WILLIAM O. BRADLEY, a Senator from the State of Kentucky, and JOHN W. KERN, a Senator from the State of Indiana, appeared in their seats to-day.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of December 16, 1912.

The Secretary proceeded to read the Journal of the proceedings of Thursday, December 19, 1912, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of ascertainment of electors for President and Vice President appointed in the States of Arizona, California, Connecticut, Iowa, Kentucky, Louisiana, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, and West Virginia at the elections held in these States November 5, 1912, which were ordered to be filed.

EXPENSES OF ATTENDANCE AT MEETINGS OR CONVENTIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenses incurred from June 30, 1912, to December 1, 1912, of the attendance of officers or employees of the Department of Justice at meetings or conventions of societies or associations (H. Doc. No. 1213), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a detailed statement of all expenses of the attendance of officers or employees of the Library of Congress at meetings or conventions that have been incurred from June 30, 1912, to December 1, 1912 (H. Doc. No. 1212), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a detailed statement of all expenses incurred from June 30, 1912, to December 1, 1912, for the attendance of officers and employees at meetings of societies and associations (H. Doc. No. 1210), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing in detail the expenses incurred from June 30, 1912, to December 1, 1912, by officers and employees of the Department of Agriculture who attended meetings or conventions of

any society or association (H. Doc. No. 1215), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a detailed statement of expenses incurred by officers and employees in connection with meetings or conventions, under written direction of the commission (H. Doc. No. 1209), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES OF LEGISLATURE OF TERRITORY OF ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation to meet the expenses of the Legislature of the Territory of Alaska in the sum of \$45,260 (S. Doc. No. 991), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

J. WEBSTER HENDERSON V. UNITED STATES.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of J. Webster Henderson, executor of Robert M. Henderson, deceased, v. The United States (S. Doc. No. 990), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of members of the Maritime Association of the Port of New York, praying that an appropriation be made for the construction of a jetty upon the Grand Bank of Newfoundland, which was referred to the Committee on Commerce.

He also presented resolutions adopted at a meeting of the Association of National Advertising Managers, held at Chicago, Ill., remonstrating against the passage of the so-called Oldfield patent bill, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of Camp Sitka, Arctic Brotherhood, of Sitka, Alaska, favoring an appropriation for the repair and improvement of the Sitka National Monument, which were referred to the Committee on Territories.

He also presented resolutions adopted by the Coal Exchange of Philadelphia, Pa., favoring an appropriation for the building of a dry dock at the navy yard at that city, which were referred to the Committee on Naval Affairs.

Mr. LODGE. I present a communication from the president of the Massachusetts Historical Society. It is very brief, and I ask that it be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the communication was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

MASSACHUSETTS HISTORICAL SOCIETY,
Boston, December 16, 1912.

To the Senate and House of Representatives:

The Massachusetts Historical Society urges the erection of a national archives building in the city of Washington, and the transfer to it from time to time of such archives in the possession of the various departments and Congress as are not needed for the immediate service of administrative or legislative routine. The wholesale injury and loss of such archives in the past, the absence of organized care and arrangement in the preservation of what remain, and the lack of space and trained attendance for use and consultation call for such a central building and a properly organized bureau of archives. Widely scattered as these records now are, and often placed in storage where they can not be consulted or guarded from the dangers surrounding such material, they are carried at great cost and inconvenience both to officers in charge and to investigators in history. The preservation of this historical and administrative material can not be too strongly urged, and a central archives building is the only rational and economic solution of the problem.

On behalf of the Massachusetts Historical Society and by authority of its council.

CHARLES FRANCIS ADAMS, President.

Mr. CULLOM presented a petition of Local Union No. 1117, United Mine Workers of America, of Marion, Ill., praying for the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

He also presented the petition of C. L. Harcourt and A. Z. Harcourt, of Chestnut, Ill., praying that an appropriation be made for the protection of migratory birds, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the State Board of Education of Connecticut, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. JONES presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., remonstrating against the sub-

mission to The Hague Tribunal for ratification the matter of the Panama Canal controversy between Great Britain and the United States, which were referred to the Committee on Inter-oceanic Canals.

He also presented a resolution adopted by the Chamber of Commerce of Montesano, Wash., favoring an appropriation for the fortification of Grays and Willapa Harbors in that State, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., favoring the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PENROSE presented a petition of members of the Maritime Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for a reduction of the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine presented petitions of sundry citizens of North Anson, China, and Monticello, all in the State of Maine, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. McLEAN presented petitions of Local Grange No. 24, of Berlin; Local Grange No. 38, of New Canaan; Local Grange No. 169, of Riverton; Local Grange No. 147, of Lyme; Local Grange No. 54, of Plainville; and of Local Grange No. 94, of East Windsor, all of the Patrons of Husbandry, in the State of Connecticut, praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which were ordered to lie on the table.

He also presented a petition of members of the State Board of Agriculture of Connecticut, remonstrating against any change being made in the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of members of the German-American Alliance of New Haven, Waterbury, and Seymour, all in the State of Connecticut, remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the Prospect Heights Citizens' Association, of California, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented resolutions adopted by the California Associated Societies for the Conservation of Wild Life, favoring the establishment of additional game refuges throughout the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented resolutions adopted by the California Associated Societies for the Conservation of Wild Life, favoring Federal protection of migratory birds, etc., which were ordered to lie on the table.

He also presented a resolution adopted by the executive committee of the Railway Business Association, favoring the enactment of legislation granting a Federal charter to the Chamber of Commerce of the United States, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., remonstrating against a reduction of the tariff on sugar, which were referred to the Committee on Finance.

Mr. CURTIS presented petitions of sundry citizens of Oxford, Olathe, and Soldier, all in the State of Kansas, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. GALLINGER presented the petition of Joseph H. Haskell, of Claremont, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Ministerial Association of Berlin, N. H., and a petition of the City Council of Berlin, N. H., praying that an appropriation be made for the erection of a Federal building in that city on the site already acquired by the Government, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation regulating the use of public-school buildings in the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Bankers' Association of the District of Columbia, praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural

colleges in the several States, which was ordered to lie on the table.

He also presented a petition of Emanuel Chapter, No. 191, Brotherhood of St. Andrew, of Washington, D. C., praying for the passage of the so-called Kenyon red-light injunction bill, which was referred to the Committee on the District of Columbia.

EXTENSION DEPARTMENTS IN AGRICULTURAL COLLEGES.

Mr. SMITH of Georgia. Mr. President, I wish to present to the Senate numerous additional indorsements of the bill for the creation of extension departments in the land-grant agricultural colleges. I do not ask that they be printed in the RECORD, but I will call attention to them.

They are from the Maine Seed Improvement Association; the Maine Dairymen's Association; the Maine Association of Agricultural Students; the Maine Creamerymen's Association; the Maine Live Stock Breeders' Association; the Maine Federation of Agricultural Associations; Cumberland Grange, No. 2, of Rhode Island; Richmond Grange, No. 6, of Rhode Island; Laurel Grange, No. 4, of Rhode Island; Ashaway Grange, No. 50, of Rhode Island; Quonocontaug Grange, No. 48, of Rhode Island; West Virginia Federation of Women's Clubs; Illinois Federation of Women's Clubs; Hope Valley Grange, No. 7, of Rhode Island.

I wish also to call attention to a short article by Dr. Kenyon S. Butterfield, president of the Massachusetts Agricultural College, urging the prompt passage of this measure. The article appeared in *Business America*. He refers to the impossibility of passing the Page bill at the present session of Congress, and, while approving the general policy of Federal aid to industrial education, he questions the wisdom of passing the bill in its present form, and suggests the appointment of experts from different parts of the country to whom the measure should be referred to work out the details and have the same ready for introduction at the next session of Congress.

I ask that the article by Dr. Butterfield be printed in the RECORD, and hope that the views he presents will receive consideration by Senators on account of their clearness and the value of the source from which they come.

The PRESIDENT pro tempore. The bill having been reported to the Senate the petitions will lie on the table, and, without objection, the article referred to will be printed in the RECORD.

The article referred to is as follows:

AN IMPORTANT ISSUE.

There are now before Congress two bills of vital significance in the development of American agriculture.

One bill, introduced by Congressman LEVER, of South Carolina, is known as H. R. 22871, and is intended "to establish agricultural extension departments in connection with agricultural colleges in the several States." It is sincerely hoped that this bill will be passed.

A similar bill was introduced into the Senate by Senator HOKE SMITH, of Georgia, who is now championing the House bill in the Senate.

The other bill, introduced by Senator PAGE, of Vermont, is known as S. 3, and if passed would make it possible for "the National Government to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts."

The terms of both of these bills and arguments for them are simply stated in the articles by Congressman LEVER and Senator PAGE, which appear in this issue. We have also outlined in another article the main features of what we regard as the most important reasons for the passage of the agricultural extension bill.

Both of these measures should be passed eventually, because both are essential to the best development of our American system of agricultural education.

Unfortunately some antagonism has been created between the friends of the two bills. The main provisions of the extension bill are incorporated in the Page bill. This is a mistake. The two do not belong together. The extension bill is intended to complete the system of Federal aid to colleges of agriculture which now provide for instruction to students, and research or investigation, and which ought also to provide for that third great task of the colleges, the extension of agricultural teaching to all the people.

This is the greatest single task that we now face so far as agriculture is concerned. We know enough about scientific agriculture to revolutionize our American system of farming, but we need to spread that knowledge broadcast and to try to reach practically every farmer. Thousands upon thousands of the better American farmers are now utilizing this knowledge to the full, but American agriculture can not be brought to its best estate until this knowledge is diffused among the great masses of those who till the soil. There is no other way to re-create our American agriculture. The great success of a comparatively few educated farmers has little immediate effect on the agricultural situation. We can expect results only when practically all the men responsible for the farming of our 7,000,000 farms are following modern methods.

Now, the key to this situation is education. And no matter what help may come from agricultural papers, from the example of progressive farmers, from the aid of the United States Department of Agriculture, in the long run the permanent work of educating the masses of adult American farmers must lie with the agricultural colleges. It is a national task which the Federal Government must aid, but which the States must carry out.

On the other hand the Page bill proposes a system of institutions of high-school grade partly for the purpose of teaching agriculture. This is a greatly needed part of our new system of agricultural education. Only a few of the farm boys will go through the agricultural college. Very little practical agriculture can be taught in the lower grades. We need agricultural departments in the public schools as well as special schools of agriculture. We believe that this work also should be supported in part by the National Government. We do not agree with all the details of the Page bill, but the purpose is sound, the object of vital consequence, and the appropriation should be made. The bill, however, should not include the extension service. The two bills have different aims and cover entirely different grounds. The funds appropriated by them must be administered separately, and it is neither statesmanlike nor wise to bring these two things into one bill.

We therefore urge all the friends of both measures to try to come together in a plan for cooperation. The practical thing to do is to pass the extension bill at the short session of Congress and then to call a conference of not to exceed 25 experts, representing all the interests involved in the legislation contemplated by the Page bill, and patiently thrash out the details of the bill in the light of a few broad, general principles that should be agreed upon at the outset. This is a bill that involves a good deal of money. More than that, it involves a new procedure in our whole scheme of education. It should not be entered upon hastily. No bill should pass Congress that does not have the practically unanimous approval of all those institutions and agencies that will be obliged to cooperate when the bill becomes a law.

This is no time for misunderstanding or controversy. It is a time for action, and the practical, sensible action we have just indicated. And we hope that every friend of these two bills will accept this suggestion and that it may be acted upon at once.

It is peculiarly appropriate that the extension bill should pass before January 1. In 1862 President Lincoln, during the darkest hours of the war, signed the first Morrill bill, which created this great system of American agricultural colleges. In 1887, 25 years later, a bill introduced by Representative Hatch, of Missouri, was signed, which established a nation-wide system of agricultural research through the organization of agricultural experiment stations. The future historian should be able to write that 25 years later, or half a century after the establishment of the agricultural colleges, there was passed a bill which made possible the extension to all the people of the land the results of these 50 years of agricultural-college teaching and of these 25 years of agricultural experiment-station investigation. Some may say that this coincidence is merely a matter of sentiment, but it is a worthy sentiment.

The extension bill has passed the House. It simply requires the prompt action of the Senate immediately on its assembling this month. We know of no more important act of legislation for advancing the welfare of our agricultural people, nor one that promises more directly or immediately to reduce the cost of living, than the immediate passage of this bill.

KENYON L. BUTTERFIELD.

ILLINOIS RIVER BRIDGE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 7637) to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill., reported it without amendment and submitted a report (No. 1080) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAYNTER:

A bill (S. 7852) for the relief of Lexington Lodge, No. 1, Free and Accepted Masons, of Lexington, Ky., and the Grand Lodge, Free and Accepted Masons, of the State of Kentucky; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 7854) for the relief of John H. Fesenmeyer, alias John Wills (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota; to the Committee on Commerce.

A bill (S. 7856) granting a pension to Lucinda H. Knox;

A bill (S. 7857) granting an increase of pension to Helen L. Chatfield;

A bill (S. 7858) granting an increase of pension to John A. Baird;

A bill (S. 7859) granting an increase of pension to George Washington Sumpter (with accompanying papers);

A bill (S. 7860) granting a pension to Emma Myers (with accompanying papers);

A bill (S. 7861) granting an increase of pension to Lurinda P. Barnes (with accompanying papers); and

A bill (S. 7862) granting a pension to William A. Smylie (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 7863) granting an increase of pension to David R. Edmonds (with accompanying papers);

A bill (S. 7864) granting a pension to Electa Marsh (with accompanying papers); and

A bill (S. 7865) granting a pension to Tilford A. Steele (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7866) for the relief of James Lafferty; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 7867) granting a pension to Belle Palmer (with accompanying paper); and

A bill (S. 7868) granting a pension to Martha E. Patterson (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7869) granting an increase of pension to David A. Byers;

A bill (S. 7870) granting an increase of pension to John N. Jones;

A bill (S. 7871) granting a pension to David R. Todd (with accompanying paper);

A bill (S. 7872) granting an increase of pension to James H. Ragsdale (with accompanying paper); and

A bill (S. 7873) granting a pension to Daniel Howrey (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7874) granting a pension to James Allison; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.; to the Committee on Public Lands.

A bill (S. 7876) to prevent hazing at the United States Naval Academy; and

A bill (S. 7877) to authorize a dietitian for the Nurse Corps (female) of the United States Navy; to the Committee on Naval Affairs.

By Mr. NELSON:

A bill (S. 7878) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen; to the Committee on Claims.

A bill (S. 7879) to remove the charge of desertion from the military record of John Inglis (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7880) granting an increase of pension to Edward A. Mace (with accompanying papers); and

A bill (S. 7881) granting an increase of pension to Mary J. Van Orden (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 7882) granting a pension to Mary J. Thomas; to the Committee on Pensions.

By Mr. CLAPP (for Mr. GAMBLE):

A bill (S. 7883) to establish a reservation for the Rocky Boy's Band of Chippewa Indians and certain other Indians in the State of Montana; and

A bill (S. 7884) providing for the prohibition of the sale of intoxicating liquor within the present boundaries of the Black-foot Indian Reservation, in the State of Montana; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 7885) for the relief of Caleb Aber; and

A bill (S. 7886) for the relief of every officer or private soldier who was honorably discharged after 90 days' service in the Army, Navy, or Marine Corps of the United States during the War of the Rebellion; to the Committee on Military Affairs.

A bill (S. 7887) to provide for the retirement of employees in the civil service; to the Committee on Civil Service and Retrenchment.

A bill (S. 7888) granting a pension to Eleanor R. Evans (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7889) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line (with accompanying papers);

A bill (S. 7890) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes (with accompanying papers); and

A bill (S. 7891) to provide for annual assessments of real estate in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 7892) granting an increase of pension to Susan M. Wyatt (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7893) to correct the military record of F. E. Smith; and

A bill (S. 7894) to correct the military record of A. Charlesworth; to the Committee on Military Affairs.

A bill (S. 7895) granting a pension to Frank Ferris;

A bill (S. 7896) granting a pension to Mrs. H. P. Knapp;

A bill (S. 7897) granting an increase of pension to Sarah Frye;

A bill (S. 7898) granting an increase of pension to Belle Huff (with accompanying paper);

A bill (S. 7899) granting a pension to Elizabeth Harris (with accompanying paper);

A bill (S. 7900) granting an increase of pension to John Sanderson (with accompanying papers); and

A bill (S. 7901) to amend section 4747 of the Revised Statutes relating to pensions (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7902) granting a pension to Margaret L. Thompson;

A bill (S. 7903) granting an increase of pension to William H. Brewster;

A bill (S. 7904) granting an increase of pension to Margaret M. Cady; and

A bill (S. 7905) granting an increase of pension to Emma T. Barnes; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7906) to remove the charge of desertion from the military record of James Pollock; to the Committee on Military Affairs.

A bill (S. 7907) granting a pension to Frank A. Hill; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7908) granting an increase of pension to Marion C. Turrill;

A bill (S. 7909) granting an increase of pension to Abbie A. Upson (with accompanying papers);

A bill (S. 7910) granting an increase of pension to Maria L. Bishop (with accompanying papers);

A bill (S. 7911) granting an increase of pension to Della Wight (with accompanying papers);

A bill (S. 7912) granting an increase of pension to Imogene Crissey (with accompanying papers);

A bill (S. 7913) granting a pension to Cora H. Griswold (with accompanying papers);

A bill (S. 7914) granting an increase of pension to Henry A. Kelsey (with accompanying papers); and

A bill (S. 7915) granting an increase of pension to Ruth A. Quien (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7916) granting an increase of pension to Michael Kearns; to the Committee on Pensions.

SANITARY WRAPPING OF BREAD IN THE DISTRICT OF COLUMBIA.

Mr. McCUMBER. I introduce a bill which I ask may be printed in the Record and referred to the Committee on the District of Columbia.

The bill (S. 7853) to provide for the sanitary wrapping of bread in the District of Columbia was read the first time by its title, the second time at length, and referred to the Committee on the District of Columbia, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation engaged in the manufacture or baking of bread to be sold for food in the District of Columbia to remove such bread from the building in which it is baked or manufactured before inclosing it in a suitable sanitary wrapper or package that will protect it from dust, insects, or other contamination: *And provided further,* That it shall be unlawful for any dealer or other person to sell, deliver, or cause to be delivered in the District of Columbia any bread intended to be used as food unless the same is inclosed in a suitable sanitary wrapper or package that will protect it from dust, insects, or other contamination, and any person who shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof for each offense shall be fined not to exceed \$100 or imprisoned not to exceed three months, or both, in the discretion of the court.

REPUBLICAN GOVERNMENT IN CHINA.

Mr. BACON. I introduce a joint resolution, which I ask may be read.

The joint resolution (S. J. Res. 146) providing for the recognition of the republican Government in China was read the first time by its title and the second time at length, as follows:

Whereas the people of China have asserted the right of self-government, and in pursuance thereof have thrown off the rule of monarchy and sought to establish for themselves a representative republican Government; and

Whereas in the time which has elapsed since the establishment of their present republican Government satisfactory evidence has been given that a permanent and stable Government has been established and will be maintained: Therefore be it

Resolved, etc., That the present republican Government of China is hereby recognized by the United States of America, with all the powers and privileges of their intercourse and relations with this Government properly appertaining to and in general extended to independent and sovereign governments and nations.

Mr. BACON. Mr. President, before moving the reference of the joint resolution, I desire to say one word.

It has been a subject matter of discussion almost ever since the foundation of this Government as to whether the function

of the recognition of an independent government, or, when there has been a change in government, the recognition of the stability and authority of a government is a function which belongs to the Executive or to the legislative branch of the Government. When I say "legislative," I should properly say the lawmaking branch of the Government, which includes both the two Houses and the President.

By some it is contended, and has been contended with much earnestness, that it is a function which exclusively belongs to the executive branch of the Government, whereas by others it has been contended with equal earnestness that it belongs to the lawmaking power of the Government. I believe the more conservative view is that which is represented by the opinion of many that the initiative can be taken by either the Executive alone or by the lawmaking power, embracing the joint action of both the legislative and the executive branches of the Government—the Congress and the President—acting in a legislative capacity. In my opinion, the ultimate power of decision is with the lawmaking power; and where the final action in such case has been taken by the Executive, it has been final through the acquiescence and approval of the Congress. But without now stopping to discuss the question I simply make the statement in order that my attitude may not be misunderstood in introducing the joint resolution. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment relative to the pay of electrical expert aids in the classified service of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also (for Mr. GAMBLE) submitted an amendment proposing to appropriate \$10,000 for the construction of headquarters for employees and \$5,000 for repair and improvement of agency buildings, Pine Ridge Agency, S. Dak., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also (for Mr. GAMBLE) submitted an amendment authorizing the Secretary of the Interior to approve voucher No. 53 for the second quarter of the fiscal year ended June 30, 1911, for payment of the benefits to the Pine Ridge Indians, South Dakota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$270,400 for new construction at the military post, Fort Riley, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for the construction of a bridge across the Kansas River at Fort Riley, Kans., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$4,010.75 to pay D. C. Tillotson, of Topeka, Kans., in payment for work done in carrying out the provisions of the treaty with the Pottawatomie Indians, proclaimed April 9, 1862, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to appropriate \$150,000 to provide school facilities for the children of the Navajo Tribe of Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for the development of a water supply for the Navajo Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$30,000 for enlarging the irrigation system for the protection and irrigation of Indian lands within the Camp McDowell Indian Reservation, Ariz., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—LUCY L. BANE.

On motion of Mr. SANDERS, it was

Ordered, That the papers accompanying Senate bill 5050, Sixty-second Congress, second session, granting a pension to Lucy L. Bane, be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOMESTEAD ENTRYMEN IN NORTH IDAHO.

Mr. BORAH submitted the following resolution (S. Res. 414), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with a statement showing under and by what authority of law and by reason of what facts there is inserted in patents issued to certain homestead entrymen in north Idaho, upon lands formerly covered by the Coeur d'Alene Indian Reservation and other lands in what is known as the St. Maries and St. Joe country, a clause making said patents and the title of the said entryman subject to the application and rights of the Washington Water Power Co. for rights of way or the right of said company to submerge or overflow the land. The information is desired for the purpose of determining the right and authority of the department to insert such a clause in the patent both from the standpoint of the facts and the law.

FRIEDMAN CURE FOR TUBERCULOSIS.

Mr. GORE submitted the following resolution (S. Res. 415), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested to submit to the Senate at the earliest practicable date the results of any investigation made or being made by the American consul general in Germany or any other officer of the United States in regard to the Friedman cure for tuberculosis.

COMMITTEE SERVICE.

Mr. OWEN. I ask to be relieved from the chairmanship of the Committee on Pacific Railroads and from further service on that committee.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Oklahoma will be complied with.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On December 17, 1912:

S. J. Res. 144. Joint resolution authorizing payment of December salaries to officers and employees of the Senate and House of Representatives on the day of adjournment for the holiday recess.

On December 19, 1912:

S. 6899. An act increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont;

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse;

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; and

S. 3974. An act to increase the limit of cost of the United States public building at Denver, Colo.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I move that the Senate resume the consideration of what is known as the omnibus claims bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

The PRESIDENT pro tempore. The question is on the amendment—

Mr. CRAWFORD. The amendment which I offered.

Mr. BRANDEGEE. I rise to a point of order, Mr. President.

Mr. LODGE. It is utterly impossible to hear what is going on.

The PRESIDENT pro tempore. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. The point of order is that there is no order in the Chamber.

The PRESIDENT pro tempore. The Senator from Connecticut raises the point of order that there is too much disorder in the Chamber and that business can not be transacted. The Chair will appeal to Senators to preserve order, and will especially appeal to visitors in the Chamber and in the galleries to preserve order.

Mr. CRAWFORD. Mr. President, my amendment to the amendment offered by the Senator from Massachusetts [Mr. LODGE] has never been read at length. It was only partially read. I do not wish to call the bill up with a view of taking the time of the Senate now, as I understand the Senator from Texas [Mr. BAILEY] wishes to address the Senate. I only call the bill up so that it may have its place. Of course I expect to yield at any moment that the Senator from Texas is present, otherwise I will ask that the reading of my amendment to the amendment offered by the Senator from Massachusetts be resumed.

Mr. SMOOT. Mr. President, I should like to ask the Senator from South Dakota if he would be willing to lay the bill aside in order that the Senate may take up the calendar under Rule VIII, only considering bills to which there is no objection? The Senator from Texas will be here in a very few minutes, and meantime we can go on with those bills.

Mr. CRAWFORD. Upon that I desire to say that the omnibus claims bill has been before the Senate, and, if we are ever to get through with it, I feel that, in accordance with the pledge I have made, it is my duty to urge it at every possible opportunity.

Mr. SMOOT. Then I withdraw the suggestion.

The PRESIDENT pro tempore. The Secretary will resume, at the point where it was last left off, the reading of the amendment submitted by the Senator from South Dakota [Mr. CRAWFORD] to the amendment of the Senator from Massachusetts [Mr. LODGE].

The Secretary resumed the reading of the amendment to the amendment, at the top of page 12, and read to the bottom of page 16.

Mr. BAILEY entered the Chamber.

Mr. CRAWFORD. The Senator from Texas [Mr. BAILEY] now being in his place, I ask that the further reading of the amendment to the amendment be discontinued.

The PRESIDENT pro tempore. The reading will be suspended and the bill laid aside.

Mr. CRAWFORD. I give notice that to-morrow, at the close of the routine morning business, I shall ask the Senate to continue the consideration of the pending bill.

THE INITIATIVE AND REFERENDUM.

Mr. BAILEY. Mr. President, I ask that Senate resolution 413 be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which the Secretary will read.

The Secretary read the resolution (S. Res. 413) submitted by Mr. BAILEY December 19, 1912, as follows:

Resolved, That such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle on which this Republic was founded, and would, if adopted, inevitably work a radical change in the character and structure of our Government.

Mr. BAILEY. Mr. President, during my service of more than twenty-one years in the two Houses of Congress I have never before delivered an address in either of them intended more for the country at large than for the body itself, and I would not now depart from a rule which I have followed so long and which commends itself so fully to my judgment except for the extraordinary situation in which we find ourselves with respect to the questions embraced in the pending resolution.

For several years the advocates of the initiative and referendum have conducted a campaign in their behalf with an industry and a zeal unparalleled in American politics. They have used the CONGRESSIONAL RECORD to disseminate their arguments, and not content with the number or the kind of readers whom they could reach through that publication, they have printed what they desired to circulate as separate documents, which they have sent into more than three million homes. They have filled every newspaper and magazine whose columns were open to them with their appeals; and from every lecture platform in the land they have urged those proposals as the true and the only remedy for the industrial and political evils which afflict our age and country.

On the other hand, the men who are opposed to the initiative and referendum have made no special effort to combat them. They have, it is true, protested from time to time with some degree of earnestness, but they have not followed their words with either the work or the organization calculated to achieve results, and in more than one instance they have suffered those cumbersome and illogical legislative methods adopted almost without resistance. An examination of the returns will show that those mis-called "reforms" have been incorporated into the organic law of several States by votes which did not represent twenty-five per cent of the qualified electors in those States, for the simple reason that no adequate attempt was made to instruct the people and bring them to the polls.

This remarkable condition has been due to different influences operating on the minds of different classes. Many of our most intelligent and successful business men are always so engrossed with the management of their private affairs that they often neglect, I regret to say, the performance of their highest duty to the public, and they have not up to this time taken any part in this contest. A still larger, and an equally intelligent, number of our people have treated it all as a transient distemper of the public mind, and expecting that it would soon pass away they have permitted the propaganda to proceed unchallenged. With these numerous and intelligent citizens inactive and ap-

parently indifferent, many ambitious politicians have concluded that by an advocacy of those measures they could win official preferment and accordingly have joined in the noisy demand for their adoption.

Thus, Mr. President, these innovations have acquired a false appearance of strength, and that false appearance of strength has attracted the support of many who do not understand them and who will reverse their positions when they are made to understand them. But, sir, if the men who believe in a written Constitution and in the principles of a representative democracy do not meet this question courageously and discuss it before the people, we will soon reach the time when a discussion can not produce its proper effect. Personally, I have not been delinquent in this matter, for on every suitable occasion I have endeavored to expose, to the best of my ability, the dangers of this new political evangel; and yet, sir, I would feel that I had left something undone, if I did not, before retiring from the Senate, leave upon our record a fuller statement of the argument than I have heretofore found an opportunity to make.

When I drew the resolution to which I am speaking I limited it to the single proposition that the initiative and referendum are repugnant to the principles upon which this Government was founded; and I so limited it because I feared that the business of the Senate would not permit me to occupy more of its time than would be required to establish that proposition. I perfectly understood, of course, that the work which I had thus laid out for myself, no matter how thoroughly I might do it, would dispose of only one-half of the question; and the more I have considered it the more I have become convinced that, even at the risk of unduly taxing the patience of the Senate, I ought to go further and demonstrate also, if I can, that this Government, as established by our fathers, is a better government than that which the initiative and referendum would establish. And to that double task I shall now apply myself.

In the convention which framed our Constitution some delegates believed that a limited monarchy was the best government which the wisdom of men could devise, and the greatest intellect in that memorable body was one of that number; other delegates preferred an aristocracy, and among them were men of exalted character and unselfish patriotism; still other delegates—and I rejoice to say they composed an overwhelming majority—demanded a representative democracy; but among all of those illustrious patriots and statesmen there was not one who seriously contended for a direct democracy. That our fathers deliberately, and after great consideration, chose a representative democracy as the government best calculated to secure the liberties and promote the happiness of the people can be established by such an abundance of historical evidence that my difficulty has been to select from the mass of it sufficient to answer my purpose without unnecessarily consuming the time of the Senate. Fortunately, too, this evidence does not come from any one school of political thought, but men who held the most opposite opinions upon other questions were at perfect agreement on this. Here Hamilton and Madison occupied common ground; here Patterson and Pinckney, each the author of a plan of government, were in full accord; here Monroe and Marshall entertained and expressed the same views.

Mr. President, I realize that it will be extremely irksome for those who do me the honor to hear what I am saying on this occasion to listen to the quotations which I shall read from the letters and speeches of "The Fathers"; and if I were seeking merely to influence the opinion of Senators, I would not feel obliged to subject my audience to that tedious procedure, because I hope that I do not overestimate the esteem in which I am held by my associates when I assume that they would accept my statement of any historical fact without compelling me to support it by quotations. But, sir, I am striving to reach those outside of the Senate Chamber, upon whose intelligence and patriotism this Republic must depend for its existence; and as many of them have been misled by the yellow journals into doubting whatever I might say, I feel constrained to read into this record the conclusive evidence that with a full knowledge of the different kinds of government before them, our fathers rejected a monarchy, rejected an aristocracy, rejected a direct democracy, and wisely chose a representative democracy, which they called a Republic.

THE HISTORICAL EVIDENCE.

I shall first lay before the Senate what Mr. Madison has said upon this subject, and I give this precedence to his testimony because to him, more than to any other man, we owe the Constitution under which we live. It may be that there were delegates in the Philadelphia convention who bore a larger part in drafting the Constitution, or who did more to adjust the differences which at one time threatened to disrupt that con-

vention, though I doubt that; and it may be that there were those who were more potential in securing the ratification of the Constitution after it was submitted to the several States for their action, though I also doubt that. But certainly there was no single man who did more, first in drafting the Constitution and then in securing its ratification, than Mr. Madison, and his opinions upon all matters connected with it have possessed a weight with the American people never accorded to any of his contemporaries. It is true that if Madison lived and taught in this day what he taught through all the years in which he lived, he would be denounced as a Tory and a reactionary, as those of us who still follow his teachings are often denounced; but the most radical Progressives of this time will hesitate to stand before our countrymen and condemn what James Madison has said, for they know as well as I do the deep veneration in which his name is held by the people. Long after our poor voices are silent those who come after us will read and accept what Madison has written and his memory will be cherished as long as this Republic endures. Indeed, sir, if some new folly or madness should seize upon the minds of our people and dissolve the Union which he helped to create, he would still be held in affectionate remembrance as long as civil liberty shall survive in the noble Commonwealth which gave him birth and to whose services he consecrated his talents and the best years of his life.

In the tenth number of the *Federalist* Mr. Madison discussed this question somewhat elaborately; and after pointing out the dangers which all free governments had encountered, he summed up that phase of the matter in these words:

But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors and those who are debtors fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government.

If anything were needed to confirm our confidence in the wisdom of Madison, the passage which I have just read would be sufficient, because it shows that looking with rare foresight through the century which separates our day from his he could see the conflict of class interests which we now witness and which every thoughtful man regards as a menace to the peace of this country, and to the permanence of these institutions. Not only was Madison wise enough to understand that this conflict of class interest would come, but he was also wise enough to know that no free government could ever eradicate its causes, and that the most enlightened statesmen could hope to do no more than to control its effects. That this could not be accomplished under a direct democracy, and that it could be accomplished under a republic was his firm conviction expressed in these words:

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it differs from the pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: First, the delegation of the government in the latter to a small number of citizens elected by the rest; * * *

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.

Not only has Madison in these unequivocal terms expressed himself in favor of a representative democracy, which he called a republic, but in the same paper from which I have just been reading he condemned the ancient democracies as "spectacles of turbulence and contention, incompatible with personal security or the rights of property."

Mr. Madison again discusses the character of the government which it was proposed to establish in the thirty-ninth number of the *Federalist*, where he propounds and answers the specific question as to what constitutes a republican form of government. It will perhaps better emphasize the expressions upon which I desire to concentrate the special attention of the Senate for me to read what precedes them, and as the entire essay is an interesting one I do not think that Senators would consider it a waste of their time to hear all of it, though I shall only read the part which follows:

The last paper having concluded the observations, which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking.

The first question that offers itself is whether the general form and aspect of the Government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America, with the fundamental principles of the revolution, or with that honorable determination which animates every votary of freedom to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible.

What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the terms by political writers to the constitutions of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised in the most absolute manner by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The Government of England, which has one republican branch only, combined with a hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political discussions.

If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people and is administered by persons holding their offices during pleasure for a limited period or during good behavior.

I do not need to tell those who are familiar with his views that Alexander Hamilton was more aggressive than Madison in his opposition to a direct democracy. He did not hesitate to declare that even if it were possible to organize a government which the people would control in their primary capacity and without the intervention of representatives it would not be desirable to do so. Speaking on that point in the New York convention, he declared:

It has been observed by an honorable gentleman that a pure democracy, if it were practicable, would be the most perfect government. Experience has proved that no position in politics is more false than this. The ancient democracies, in which the people themselves deliberated, never possessed one feature of good government. Their very character was tyranny; their figure, deformity.

Speaking on another day to the same convention, and describing the representative principle as the one which distinguishes our system from all others which had gone before it, Hamilton said:

Mr. Chairman, it has been advanced as a principle that no government but a despotism can exist in a very extensive country. This is a melancholy consideration, indeed. If it were founded on truth, we ought to dismiss the idea of a republican government, even for the State of New York. This idea has been taken from a celebrated writer, who, by being misunderstood, has been the occasion of frequent fallacies in our reasoning on political subjects. But the position has been misapprehended, and its application is entirely false and unwarrantable; it relates only to democracies, where the whole body of the people meet to transact business and where representation is unknown. Such were a number of ancient and some modern independent cities. Men who read without attention have taken these maxims respecting the extent of country and, contrary to their meaning, have applied them to republics in general. This application is wrong in respect to all representative governments.

Although it is generally understood that Madison and Hamilton deserve the highest credit for the government under which we live, there are many profound students of our history who assign to Charles Pinckney a place above them both. I shall indulge in no comparisons; but I must be permitted to say that the Pinckney draught became the basis of our Constitution, and Madison's great service consisted largely in perfecting it. Nor is it out of place for me to say that Hamilton's well-known preference for a government modeled after that of Great Britain so far diminished his influence among the delegates to that convention that his authority was less than his intellect and patriotism would otherwise have made it. But whether the order should be Madison, Hamilton, and Pinckney, or Madison, Pinckney, and Hamilton, or Pinckney, Madison, and Hamilton does not concern us here, because on the point which we have under discussion they did not differ; and having already laid before the Senate the views of Madison and Hamilton, I now desire to read from Pinckney's opening speech to the South Carolina convention:

Much difficulty was expected from the extent of country to be governed. All the republics we read of, either in the ancient or modern world, have been extremely limited in territory. We know of none a tenth part so large as the United States; indeed, we are hardly able to determine, from the lights we are furnished with, whether the governments we have heard of under the names of republics really deserved them or whether the ancients ever had any just or proper ideas upon the subject. Of the doctrine of representation, the fundamental of a republic, they certainly were ignorant. If they were in possession of any other safe or practicable principles, they have long since been lost and forgotten to the world. Among the other honors, therefore, that have been reserved for the American Union not the least considerable of them is that of defining a mixed system, by which a people may govern themselves, possessing all the virtues and benefits and avoiding all the dangers and inconveniences of the three simple forms.

To the same effect spoke one of the most gifted men in the Massachusetts convention. In that great Commonwealth the

town meeting had been employed so long as a method of government that its people were perhaps more reluctant than those of any other State to divest themselves of power in order to confer it upon their representatives, and it was to his doubting colleagues that Fisher Ames addressed these wise and imperishable sentences:

Much has been said about the people divesting themselves of power when they delegate it to representatives, and that all representation is to their disadvantage because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates. I can not agree to either of these opinions. The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is to destroy a government. That they can not erect a government is evinced by our being thus assembled on their behalf.

They may destroy but they can not exercise the powers of government in person, but by their servants they govern. They do not renounce their power; they do not sacrifice their rights; they become the true sovereigns of the country when they delegate that power, which they can not use themselves, to their trustees.

In the Connecticut convention sat the governor of that State, Mr. Huntington, who delivered the second speech to that body, following Oliver Ellsworth, and these were the sentiments which he declared:

The great secret of preserving liberty is to lodge the supreme power so as to be well supported and not abused. If this could be effected, no nation would ever lose its liberty. The history of man clearly shows that it is dangerous to intrust the supreme power in the hands of one man. The same source of knowledge proves that it is not only inconvenient, but dangerous to liberty, for the people of a large community to attempt to exercise in person the supreme authority. Hence arises the necessity that the people should act by their representatives; but this method, so necessary for civil liberty, is an improvement of modern times. Liberty, however, is not so well secured as it ought to be when the supreme power is lodged in one body of representatives. There ought to be two branches of the legislature that one may be a check upon the other.

In the Pennsylvania convention this same question was discussed by James Wilson, considered by many the ablest man, and considered by all one of the ablest men in that body. Such was his reputation for character, ability, and learning that when Bushrod Washington came to prepare himself for admission to the bar, James Wilson was selected as his instructor, and there is in existence to-day the promissory note which George Washington gave to James Wilson for the tuition of his nephew. Indeed, so highly was Wilson esteemed by the American bar that his appointment as our first Chief Justice was desired by many, and he was called by Washington to serve as one of the first justices of our Supreme Court. These were the views expressed by that learned and upright judge:

One thing is very certain—that the doctrine of representation in government was altogether unknown to the ancients. Now, the knowledge and practice of this doctrine is, in my opinion, essential to every system that can possess the qualities of freedom, wisdom, and energy.

For the American States were reserved the glory and the happiness of diffusing this vital principle throughout the constituent parts of government. Representation is the chain of communication between the people and those to whom they have committed the exercise of the powers of government.

I come now, Mr. President, to the Virginia convention, in which this matter was alluded to more frequently, and seemed to be more generally understood than in any of the other conventions. That may be due to the fact that the Virginia convention contained a larger number of delegates, and it also contained, upon the average, a higher class of men than the other conventions, thus leading inevitably to a more thorough discussion. In some of the conventions there was practically no discussion. In Delaware, New Jersey, and Georgia there was absolutely none, and, so far as its proceedings have been reported, none in Maryland. In New Hampshire there were only two short speeches, both on the provision which made it impossible to prohibit the importation of slaves prior to 1808; and in Connecticut the debate consisted of only four speeches, the longest one being that of Oliver Ellsworth, in which he discussed mainly the details of the Constitution, the next longest being that of Gov. Huntington, from which I have read, and the other two being very brief speeches by Richard Law and Oliver Wolcott.

But, whatever may be the explanation, the undoubted fact is that the debates in the Virginia convention took a wider range than the debates in any other convention, and therefore furnish us with the best evidence of the kind of government which our Constitution was intended to establish. One of the first delegates to express himself on this particular point was James Monroe. In repelling the assertion that the lessons of all history made it manifest that a free government could not be established and maintained over an extensive territory, Monroe examined the history of those ancient and modern leagues whose turbulent lives and violent deaths had

moved Madison to admonish his countrymen against repeating their mistakes, and he concluded his reply in these words:

Let us see how far these positions are supported by the history of these leagues and how far they apply to us. The Amphictyonic council consisted of three members, Sparta, Thebes, and Athens. What was the construction of these States? Sparta was a monarchy more analogous to the constitution of England than any I have heard of in modern times. Thebes was a democracy, but on different principles from modern democracies. Representation was not known then. This is the acquirement of modern times.

These Governments had failed, according to the argument of Monroe, because the principle of "representation was not known" to them.

In reply to that same objection, John Marshall pointed out that the principle of representation rendered any conclusions based upon the so-called republics of the ancient world inapplicable to our own Government. This was his answer to George Mason:

The extent of the country is urged as another objection, as being too great for a republican government. This objection has been handed from author to author and has been certainly misunderstood and misapplied. To what does it owe its source? To observations and criticisms on governments where representation did not exist.

The honorable gentleman has asked if there be any safety or freedom when we give away the sword and the purse. Shall the people at large hold the sword and the purse without the interposition of their representatives? Can the whole aggregate community act personally? I apprehend that every gentleman will see the impossibility of this. Must they, then, not trust them to others? To whom are they to trust them but to their representatives, who are accountable for their conduct?

Edward Pendleton recorded, for the benefit of posterity, his opinion on this question at some length and with a definiteness and a clearness which leaves nothing more to be desired. This is what he said:

As a republican, sir, I think that the security of the liberty and happiness of the people, from the highest to the lowest, being the object of government, the people are consequently the fountain of all power.

They must, however, delegate it to agents, because, from their number, dispersed situation, and many other circumstances they can not exercise it in person. They must therefore, by frequent and certain elections, choose representatives to whom they trust it.

Is there any distinction in the exercise of this delegation of power? The man who possesses 25 acres of land has an equal right of voting for a representative with the man who has 25,000 acres. This equality of suffrage secures the people in their property. While we are in pursuit of checks and balances and proper security in the delegation of power we ought never to lose sight of the representative character. By this we preserve the great principle of the primary right of power in the people.

When the hands of our former society were dissolved and we were under the necessity of forming a new government, we established a Constitution founded on the principle of representation, preserving therein frequency of elections and guarding against inequality of suffrage. I am one of those who are pleased with that Constitution because it is built on that foundation.

Mr. President, what I have read from the proceedings of the Virginia convention includes an expression from every member of that body whose fame has outlived his generation, except Patrick Henry and George Mason, who were opposed to the Constitution and their objections to it would not help us to understand its true intent and meaning. It must not, however, be supposed that because Henry and Mason made no declaration on this particular point that they differed from their colleagues with respect to it, for such is not the fact.

In what was done and said by the smaller delegates to that convention the Senate will feel little interest, and I have not obtruded quotations from them upon it; but there was one of that class whose words I think are worth preserving, and I think that because the speech which he delivered to the Virginia convention was one of the most felicitous made in that or in any of the other State conventions. It was so lofty in thought and so excellent in diction that I am compelled to believe that the only reason we do not know more of him is that his early death or his withdrawal from public affairs deprived the country of his services. His name was Zachariah Johnson, and this is a part of what he said:

As to the principle of representation, I find it attended to in this Government in the fullest manner. It is founded on absolute equality. When I see the power of electing the representatives—the principal branch—in the people at large, in those very persons who are the constituents of the State legislatures; when I find that the other branch is chosen by the State legislature; that the Executive is eligible in a secondary degree by the people likewise, and that the terms of elections are short and proportionate to the difficulty and magnitude of the objects which they are to act upon; and when, in addition to this, I find that no person holding any office under the United States shall be a member of either branch, I say, when I review all these things, that I plainly see a security of the liberties of this country to which we may safely trust. Were this Government defective in this fundamental principle of representation, it would be so radical that it would admit of no remedy.

Mr. President, I have not laid before the Senate all which the fathers said upon this question, because I could not do that without extending this address beyond all reasonable length; but I have laid before the Senate enough to establish, beyond a reasonable doubt, that the wise and patriotic statesmen who

dedicated this Republic to liberty and independence rejected a direct democracy in which the people would rule without the intervention of representatives and adopted a representative democracy in which the people should rule through their duly chosen agents. How, sir, can a man in the face of this testimony attempt to controvert that statement? Are there those, sir, who will not recognize the right of the men whose very words I have repeated to describe the nature and structure of this Government? They were its architects and its builders; they drew its plans; they laid its foundations; they reared its splendid superstructure. Ah, sir, they were more than its architects and its builders; they were its prophets and its apostles, and no man can justly deny their right to say what this Government is and what they intended it to be.

Doubtless some who are unwilling to challenge the wisdom of the fathers will seek to escape the responsibility of differing with them by claiming that I have not correctly interpreted their teachings; and, in order that no man can evade the issue in that way, I will now lay before the Senate extracts which will make it plain that the construction which I have placed upon what was said by them is in exact accordance with the highest authorities and for many years has been universally received as correct by all men who understand the question.

I am sure that some of you, forgetting for the moment your history, have been inclined to suspect that as I have adduced nothing from Jefferson I have not been able to find anything from him to support my contention. But you will instantly dismiss that suspicion when you recall that up to this time I have been offering only what was said by men who made or who ratified the Constitution, and Jefferson took no part either in the Federal convention which formulated, or in the State conventions which ratified the Constitution, because during all of that time he was absent on a foreign mission. But notwithstanding the fact that Jefferson was not at the Federal convention to advise it upon the kind of a government which ought to be established, and was not in this country to inform the people as to the kind of a constitution which had been proposed for their ratification, we are not without the benefit of his opinion on that question.

THE FATHERS INTERPRETED.

The first expression from Mr. Jefferson on this particular point, so far as my reading extends, appears in a letter to M. L'Abbe Armond. This letter was written within a year after the Constitution of the United States had been adopted and the new Government put into operation. Nothing could be plainer, nothing could be more specific, and nothing could be more conclusive than this statement made by Mr. Jefferson in that letter:

The annexed is a catalogue of all the books I recollect on the subject of Juris. With respect to the value of this institution, I must make a general observation. We think in America that it is necessary to introduce the people into every department of government, as far as they are capable of exercising it, and that this is the only way to insure a long-continued and honest administration of its powers.

1. They are not qualified to exercise themselves the executive department, but they are qualified to name the person who shall exercise it. With us, therefore, they choose this officer every four years. 2. They are not qualified to legislate. With us, therefore, they only choose the legislators. 3. They are not qualified to judge questions of law, but they are very capable of judging questions of fact. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges to decide the law resulting from those facts.

Twelve years after he had written that letter to Armond and within 10 months after he entered upon his first presidential term he wrote a letter to the Hon. Amos Marks expressing his satisfaction with an address adopted by the Vermont House of Representatives and transmitted to him by Mr. Marks. Here is a part of the second paragraph of that letter:

With them I join cordially in admiring and revering the Constitution of the United States, the result of the collected wisdom of our country. That wisdom has committed to us the important task of proving by example that a government, if organized in all its parts on the representative principle, unadulterated by the infusion of spurious elements, if founded not in the fears and follies of man, but on his reason, on his sense of right, on the predominance of the social over his dissocial passions, may be so free as to restrain him in no moral right and so firm as to protect him from every moral wrong.

In a letter to Isaac H. Tiffany, dated at Monticello on August 26, 1816, Jefferson again expresses his opinion as to the character of this Government. Tiffany had sent Jefferson a translation of the Politics of Aristotle, and after reviewing the ancient ideas of liberty and government Jefferson continued:

The full experiment of a government democratical, but representative, was and is still reserved for us. The idea (taken, indeed, from the little specimen formerly existing in the English constitution, but now lost) has been carried by us, more or less, into all our legislative and executive departments; but it has not yet, by any of us, been pushed into all the ramifications of the system so far as to leave no authority existing not responsible to the people, whose rights, however, to the exercise and fruits of their own industry can never be protected against the selfishness of rulers not subject to their control at short periods. The introduction of this new principle of representative

democracy has rendered useless almost everything written before on the structure of government, and, in a great measure, relieves our regret if the political writings of Aristotle or of any other ancient have been lost or are unfaithfully rendered or explained to us.

These three letters by Mr. Jefferson extend from 1789 to 1816. They cover the most active period of his great career, and they all speak the same political faith.

Mr. President, I have here one of the most celebrated pamphlets in our literature, and it sustains my theory of our Government. This is the second part of Thomas Paine's "Rights of Man." I know the prejudice which exists against Paine on account of the excesses into which he sometimes allowed himself to fall and the religious intolerance which he provoked; but he was a man of the most extraordinary genius, and recalling his services to a people struggling for freedom, on this day at least I am willing to forget that he was an infidel and remember only that he was a patriot. In his Rights of Man, Thomas Paine describes the American Government as founded upon the representative principle. This is what he wrote:

Referring, then, to the original simple democracy, it affords the true data from which government on a large scale can begin. It is incapable of extension, not from its principle but from the inconvenience of its form, and monarchy and aristocracy from their incapacity. Retaining, then, democracy as the ground and rejecting the corrupt systems of monarchy and aristocracy, the representative system naturally presents itself, remedying at once the defects of the simple democracy as to form, and the incapacity of the other two with regard to knowledge.

Simple democracy was society governing itself without the use of secondary means. By ingrafting representation upon democracy we arrive at a system of government capable of embracing and confederating all the various interests and every extent of territory and population, and that also with advantages as much superior to hereditary government as the republic of letters is to hereditary literature.

It is on this system that the American Government was founded. It is representation ingrafted upon democracy. It has settled the form by a scale parallel in all cases to the extent of the principle. What Athens was in miniature America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration and model of the present. It is the easiest of all the forms of government to be understood and the most eligible in practice, and excludes at once the ignorance and insecurity of the hereditary mode and the inconvenience of the simple democracy.

With this abundant and, I might well say superabundant, evidence before us I could well afford to rest this part of my case; but, sir, I want the Senate now to learn, what many Senators already know, that the greatest commentators on our system have understood it exactly as I am attempting to enforce and to explain it. It will be no disparagement of others for me to say that the first great work which attempted a full exposition of our Constitution was that of Justice Joseph Story, and I now ask the Senate to attend to this passage from the first volume of his Commentaries:

In surveying the general structure of the Constitution of the United States we are naturally led to an examination of the fundamental principles on which it is organized for the purpose of carrying into effect the objects disclosed in the preamble. Every government must include within its scope, at least if it is to possess suitable stability and energy, the exercise of the three great powers upon which all governments are supposed to rest, viz, the executive, the legislative, and the judicial powers. The manner and extent in which these powers are to be exercised and the functionaries in whom they are to be vested constitute the great distinctions which are known in the forms of government. In absolute governments the whole executive, legislative, and judicial powers are, at least in their final result, exclusively confined to a single individual; and such a form of government is denominated a despotism, as the whole sovereignty of the state is vested in him. If the same powers are exclusively confided to a few persons, constituting a permanent sovereign council, the government may be appropriately denominated an absolute or despotic aristocracy. If they are exercised by the people at large in their original sovereign assemblies, the government is a pure and absolute democracy. But it is more common to find these powers divided and separately exercised by independent functionaries, the executive power by one department, the legislative by another, and the judicial by a third; and in these cases the government is properly deemed a mixed one; a mixed monarchy if the executive power is hereditary in a single person, a mixed aristocracy if it is hereditary in several chieftains or families, and a mixed democracy or republic if it is delegated by election and is not hereditary. But in a representative republic all power emanates from the people and is exercised by their choice, and never extends beyond the lives of the individual to whom it is entrusted. It may be entrusted for any shorter period, and then it returns to them again to be again delegated by a new choice.

As Judge Story represents the extreme Whig or Federalist theory of our Government, Democrats might not readily accept as sound the views expressed by him, and therefore I will now read an extract from Tucker, who represents the extreme Democratic theory of our Government. To all who will read attentively these extracts from Story and Tucker it will be plain that the most inveterate partisan differences disappear when we reach this question. Tucker's statement is not quite so elaborate as the one which I have just read from Judge Story, but it is quite as definite and quite as satisfactory. Here it is:

Representation is the modern method by which the will of a great multitude may express itself through an elected body of men for deliberation in lawmaking. It is the only practicable way by which a large country can give expression to its will in deliberate legislation. Give suffrage to the people, let lawmaking be in the hands of their representatives, and make the representatives responsible at short periods to the popular judgment and the rights of men will be safe,

for they will select only such as will protect their rights and dismiss those who upon trial will not. True representation is a security against wrong and abuse in lawmaking.

Having read from these two text writers, who represent extreme and opposite views of our Government generally, I desire to read from two others who are considered somewhat less partisan.

In his excellent treatise on the "Principles of Constitutional Law" Judge Cooley defines a republican government as follows:

By republican government is understood a government by representatives chosen by the people, and it contrasts on one side with a democracy, in which the people or community as an organized whole wield sovereign powers of government, and on the other with the rule of one man, as king, emperor, czar, or sultan, or with that one class of men, as an aristocracy. In strictness a republican government is by no means inconsistent with monarchical forms, for a king may be merely a hereditary or elective executive, while the powers of legislation are left exclusively to a representative body freely chosen by the people. It is to be observed, however, that it is a republican form of government that is to be guaranteed; and in the light of the undoubted fact that by the Revolution it was expected and intended to throw off monarchical and aristocratic forms, there can be no question but that by a republican form of government was intended a government in which not only would the people's representatives make the laws and their agents administer them, but the people would also, directly or indirectly, choose the executive.

Black, in his book entitled "Constitutional Law," lays down the distinction between a pure democracy and a republic in these words:

The system of government in the United States and in the several States is distinguished from a pure democracy in this respect: That the will of the people is made manifest through representatives chosen by them to administer their affairs and make their laws, and who are intrusted with defined and limited powers in that regard, whereas the idea of a democracy, nonrepresentative in character, implies that the laws are made by the entire people acting in a mass meeting or at least by universal and direct vote.

The highest of all courts has given its sanction to what these text writers have taught us. I do not mean that the Supreme Court of the United States has ever said that a system of direct legislation by the people would render a State government un-republican in form, because that court has wisely, in my judgment, held that question to be a political one and therefore beyond its judicial cognizance; but I do mean that it has defined a republican form of government in language which excludes the idea of direct legislation by the people. In the Duncan case Chief Justice Fuller, delivering the opinion of the court, said:

By the Constitution a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration and pass their own laws in virtue of the legislative power reposed in representative bodies whose legitimate acts may be said to be those of the people themselves.

But while this scheme of direct legislation by the people, owing to its purely political nature, has not been, and perhaps never can be, presented to the Supreme Court of the United States in a way to require a decision upon its constitutionality by that tribunal, it can be and it has been presented to many of our State courts for their determination, and the courts which were first called upon to consider it, in almost every instance, condemned it as involving a departure from the fundamental principles of this Government. No clearer statement of the objection to it was ever made by any court than by the Supreme Court of Texas in one of the early cases. That court then consisted of Hemphill, Wheeler, and Lipscomb, than whom no greater lawyers ever adorned the bench of any State in this Union. All of their successors have been upright and many of their successors have been wise; but none of their successors have been more upright or wiser than they were. The question as presented to that great court arose out of a local-option law, about which I shall have something more to say before I close; and although the law itself had been repealed before the case reached a decision they held it invalid upon the ground that under our Constitution as it then stood, the legislature had no power to submit that or any other legislative question to a direct vote of the people. Judge Lipscomb, who delivered the opinion of the court, said:

But besides the fact that the Constitution does not provide for such reference to the voters to give validity to the acts of the legislature we regard it as repugnant to the principles of the representative government formed by our Constitution. Under our Constitution the principle of lawmaking is that laws are made by the people not directly, but by and through their chosen representatives. By the act under consideration this principle is subverted, and the law is proposed to be made at last by the popular vote of the people, leading inevitably to what was intended to be avoided—confusion and great popular excitement in the enactment of laws.

Mr. President, I could cite other cases which fully sustain this Texas opinion, but I feel that I have multiplied these authorities beyond every reasonable requirement, and I shall conclude this part of my address by bringing to the attention of the Senate the best definitions of a democracy and a republic ever written or spoken in the history of the world. They come

neither from statesman nor judge nor commentator. They are from Webster's Unabridged Dictionary, where, under the word "Republic," I find this definition:

A State in which the sovereign power resides in the whole body of the people and is exercised by representatives elected by them.

Under "Democracy" Webster first defines a direct democracy, such as the initiative and referendum would establish, and follows that with a definition of a representative democracy, which is synonymous with a republic. If he had left us nothing but his definition of a republic to contrast with his definition of a direct democracy, he would have made clear to our minds the difference between the two forms of government; but, with a thoroughness characteristic of all his great labors, he made the matter doubly plain by contrasting the two kinds of "democracy," under this form and in these words:

1. Government by the people; a form of government in which the supreme power is retained and directly exercised by the people.

2. Government by popular representation; a form of government in which the supreme power is retained by the people, but is indirectly exercised through a system of representation and delegated authority periodically renewed; a constitutional representative government; a republic.

These definitions of a democracy and a republic seemed so perfect to me that I was curious to know whether they had been improved in the various editions through which Webster's Dictionary has passed, and I concluded to examine that question. I therefore went back to the first edition, which was issued in 1828, where I found substantially the same definitions as those which appear in the last edition. It is true that those definitions have been slightly abbreviated, and to that extent improved, but they have not been improved in any other respect; and in order that those who hear me, as well as those who may do me the honor to read this speech, may be able to make the comparison for themselves, I will read the definitions as they are taken from the edition of 1828. Here they are:

Republic: A Commonwealth; a State in which the exercise of the sovereign power is lodged in representatives elected by the people. In modern usage it differs from a democracy or democratic State in which the people exercise the powers of sovereignty in person. Yet the democracies of Greece are often called republics.

Democracy: Government by the people; a form of government in which the supreme power is lodged in the hands of the people collectively, or in which the people exercise the power of legislation. Such was the government of Athens.

Mr. President, I am not vain enough to suppose that anything I have said has produced the slightest impression on the mind of any Senator, but I am sure that what I have read has produced a profound impression on the mind of every Senator. It could not be otherwise. There, sir, is the testimony of the men who helped to frame the Constitution, together with the testimony of the men who helped to ratify it; there is the deliberate conviction, repeatedly declared, of the greatest statesman who ever served as President of this Republic; there are the opinions of eminent text-writers and wise judges, all concurring in the doctrine that this is a representative democracy in which the people govern themselves through agents of their own selection. And with that proposition satisfactorily established I will now attempt to demonstrate that a representative democracy is safer and wiser than the direct democracy which the initiative and referendum would introduce.

REPRESENTATIVE DEMOCRACY VS. DIRECT DEMOCRACY.

While the authorities which sustain me in this branch of my argument are numerous and high, they could not, in the nature of things, be so conclusive as they were on the other branch, because that was a question of historical fact, and therefore susceptible of historical proof, while here we must form our own judgment as to the relative merits or demerits of these systems. But it is nevertheless true, in this case, as in all other cases, that the thought bestowed upon the subject by learned men will help to enlighten us.

I shall not detain the Senate by reading in this connection anything from those who framed the Constitution or from those who ratified it, because in choosing a representative democracy as against a direct democracy they gave the world an incontestable proof that they believed the one a better form of government than the other. Neither shall I call the lawyers to testify on this branch of the case. I do not, however, omit to call them out of any deference to the prejudice which now seems to be so rife against them. I have no patience with prejudice, and no cause ever exhibits its weakness or its injustice more clearly than when it feels compelled to attack one of the learned professions in order to promote its success. I excuse the lawyers because our inquiry now is not so much what the Constitution is as what it ought to be, and while many lawyers are competent to instruct us on that point I prefer here to consult the men who have studied government as a science.

Among the scholars who sympathized with the aspirations and labors of those who established this Government, but

who took no part in its establishment, Noah Webster enjoys a special distinction. Even many well-informed people of this day know Mr. Webster only as a lexicographer, and perhaps a larger number remember him more as the author of a spelling book which we studied as children. But, sir, Noah Webster was more than a lexicographer and more than a mere author of school-books. He was a lawyer of eminent ability and he was a philosopher in more than one department of literature. At the request of a delegate to the Federal convention, Mr. Webster wrote and published a pamphlet in which he stated the basis of majority rule and the basis of representative government with a clearness and a force which has never been surpassed. Indeed, sir, he stated them in such a convincing manner that his statement of them dispenses with any argument upon them. Though the rule of the majority is not involved in this discussion, I shall read what he said upon that for the benefit of those who might find it difficult to secure a copy of the pamphlet which contains it, and also because, as it immediately precedes his comment on the representative principle, it serves in some degree to illuminate that. I hope the Senate will listen to this:

On the first view of men in society we should suppose that no man would be bound by a law to which he had not given his consent. Such would be our first idea of political obligation. But experience, from time immemorial, has proved it to be impossible to unite the opinions of all the members of a community in every case, and hence the doctrine that the opinions of a majority must give law to the whole state, a doctrine as universally received as any intuitive truth.

Another idea that naturally presents itself to our minds on a slight consideration of the subject is that in a perfect government all the members of a society should be present and each give his suffrage in acts of legislation by which he is to be bound. This is impracticable in all large states; and even were it not, it is very questionable whether it would be the best mode of legislation. It was, however, practiced in the free states of antiquity, and was the cause of innumerable evils. To avoid these evils, the moderns have invented the doctrine of representation, which seems to be the perfection of human government.

Foremost among the men of his class in the generation succeeding that of Noah Webster stands Prof. Francis Leiber, of German birth, but long identified with American life and with our higher education. He occupied the chair of political science at the State College of South Carolina for many years, and was afterwards called to the same professorship in Columbia College. Prof. Leiber gave his unqualified approval to a representative democracy, and did not, as some others have done, predicate that approval upon the impracticability of a direct democracy. According to his philosophy, a representative democracy is not only relatively but it is absolutely the best government; and I now invite your attention to what he says on this subject in his celebrated book entitled "Civil Liberty and Self-Government." Here it is:

Of all the guaranties of liberty there is none more important and none which in its ample and manifold development is more peculiarly Anglican than the representative government. Everyone who possesses a slight acquaintance with history knows that a government by assembled estates was common to all nations arising out of the conquests of the Teutonic race; but the members of the estates were deputies or attorneys sent with specific powers of attorney to remedy specific grievances. They became nowhere, out of England and her colonies, general representatives—that is, representatives for the state at large, and with the general power of legislation. This constitutes one of the most essential differences between the deputation medieval estates and the modern representative legislatures—a government prized by us as one of the highest political blessings and sneered at by the enemies of liberty on the Continent at this moment as "the unwieldy parliamentary government." I have endeavored thoroughly to treat of this important difference; of the fact that the representative is not a substitute for something which would be better were it practicable, but has its own substantive value; of political instruction and mandates to the representatives, and of the duties of the representative in the political ethics, to which I must necessarily refer the reader.

With reference to the great subject of civil liberty and as one of the main guaranties of freedom the representative government has its value as an institution by which public opinion organically passes over into public will that is law; as one of the chief bars against absolutism of the executive on the one and of the masses on the other hand; as the only contrivance by which it is possible to induce at the same time an essentially popular government and the supremacy of the law or the union of liberty and order; as an invaluable high school to teach the handling and the protection and to instill the love of liberty; as the organism by which the average justice, on which all fair laws must be based, can be ascertained; as that sun which throws the rays of publicity on the whole government with a more penetrating light the more perfect it becomes; and as one of the most efficacious preventives of the growth of centralization and a bureaucratic government—as that institution without which no clear division of the functions of government can exist.

Although he lived and wrought under a government which was not a representative democracy, one of the most exhaustive disquisitions on representative government came from the pen of John Stuart Mill; and he closes its third chapter with this summary which it would be well to have printed in every textbook on political economy used in the colleges of this land:

From these accumulated considerations it is evident that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of

improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the State. But since all can not in a community exceeding a single small town participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.

I have selected Webster, Leiber, and Mill as the best exponents of the political philosophy of their respective generations, but as they did not live in our generation the progressive statesmen of this day will perhaps despise what they have said as obsolete and irrelevant. I shall therefore supplement the quotations which I have made from those illustrious philosophers of the past with what has been said by the most distinguished and, without flattery I can add, one of the very ablest men who has written upon governmental science in our day. Even before I mention his name you have anticipated it, and you know that I refer to Prof. Woodrow Wilson, now governor of New Jersey, and soon to become President of the United States. In the course of a series of lectures delivered at Columbia University in 1907, which have been published under the title of "Constitutional Government in the United States," Prof. Wilson said many excellent things about our Government, but he said nothing more excellent than what I am about to read. Indeed, sir, I very greatly doubt if the same thought has ever been better expressed, and I am sure that more wisdom was never compressed into so few and such short sentences.

But before reading this matter, I desire to expressly disclaim any thought of reading it for the purpose of contradicting what Mr. Wilson is reported to have said in a recent political campaign. I sincerely hope that there is to be no conflict between the opinions of the philosopher and the practices of the statesman. I am a Democrat, and though I did not favor Gov. Wilson's nomination by our party, no living man more sincerely hopes for a successful administration of this Government by him than I do. Nor is any man more confident than I am of a successful administration by Gov. Wilson, if he will adhere steadfastly to Democratic principles, turning neither to the right in order to please Republicans nor to the left in order to please Progressives. I know that certain men are working assiduously to impress him with the idea that he is under a great obligation to the Progressives; but his worst enemy could not wish him to commit a more serious blunder than to act upon the assumption that he owes his election to Progressives and not to Democrats.

The Democrats of this country—those who are Democrats without prefixes or affixes—voted for Gov. Wilson almost without exception, and without their votes he would have been the third, instead of the first, man in that race, while many of those who call themselves Progressive Democrats voted against him. This defection of the Progressives was not universal, but it occurred in every close and doubtful State. In the great State of Illinois Gov. Wilson received 43,000 votes less than were cast for our candidate there in 1908, and this does not measure the whole Democratic loss, because there were thousands of Republicans who earnestly desired the reelection of President Taft, but thinking that to be impossible, and thinking that the contest was between Roosevelt and Wilson, they cast their ballots for Gov. Wilson, in order to make the defeat of ex-President Roosevelt certain. In addition to these Republican votes which our candidate received, there were many young men who had reached a voting age since the presidential election four years ago, and it is safe to say that a majority of them voted our ticket. But with those Republicans and those first presidential voters supporting our candidate, he still received 43,000 votes less in the State of Illinois than our candidate received there four years ago, which means that at least 75,000 voters renounced their allegiance to the Democratic Party. Where did they go? Not to the Republican Party. No Democrat voted for Taft, though all Democrats respect him as an honest man and a sincere patriot; but those who would have regarded his election with complacency or even with satisfaction did not vote for him, because they knew he could not be elected. Those 75,000 Democratic voters joined the Progressive Party and voted for ex-President Roosevelt. The same thing which happened in Illinois happened even to a larger extent in the State of Ohio, where our party vote at the last election was something like 100,000 less than it was in 1908. Those men are lost to us forever, and more of their kind will follow them, for as long as Theodore Roosevelt lives and leads the Progressive movement neither Gov. Wilson nor any other man, unless it be Eugene V. Debs, can ever successfully compete with him for the discontented and radical vote of this country.

But neither the votes which we have lost to the Progressive Party nor the votes which we may lose to it can seriously imperil our success if Gov. Wilson gives us a safe and a satisfactory administration; for if he does that the Republican Party

will never nominate another candidate for the Presidency, the best of it will enlist under our standard, and the contest four years hence will be between the Democratic and the Progressive Parties. I do not expect my Republican friends across the aisle now to concede that under any circumstances their party will not present a candidate at the next election; but if the next administration is as wise as it ought to be the disintegration of the Republican Party is inevitable. With the Democratic Party successfully conducting the Government, and with the people prosperous, the Republican Party could not hope to do as well in the next election as it did in the last one, when it carried only 2 out of the 48 States, and those 2 among the smallest in the Union.

Looking forward to that condition, I would do nothing to embarrass Gov. Wilson; and it is not, therefore, for the purpose of quoting him against himself, but it is in the hope of illuminating this question that I invite you to listen to these words from his book:

A government must have organs; it can not act inorganically—by masses. It must have a law-making body; it can no more make law through its voters than it can make law through its newspapers.

This is much stronger than Webster, it is much stronger than Leibler, it is much stronger than Mill, because it practically declares, in effect, that a government in which the people legislate directly is impossible.

But, Mr. President, I am fortified in my contention by the opinion of one wiser than Webster or Leibler or Mill or Wilson. With a scholarship as ripe as theirs and as thoroughly conversant with all governmental systems as they were, he possessed the further advantage of having borne a conspicuous part in making history rather than in writing it.

As Jefferson's second presidential term was drawing toward its close the Legislature of Vermont adopted an address cordially approving his administration and expressing a desire that he should again become a candidate for the Presidency. To that address Jefferson responded on the 10th of December, 1807, and after expressing his grateful appreciation of its friendly sentiments announced his determination not to allow his name to be proposed again for the office which he had then held for nearly seven years, and which he had administered with signal ability and success. In that response he ascended from the personal and particular case, as was always the habit of his mind, to general principles, and said:

That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination of the services of the Chief Magistrate be not fixed by the Constitution or supplied by practice, his office, nominally for years, will, in fact, become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

"That a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind" was thus set down as the deliberate conviction of Jefferson. The letter in which this passage occurs must not be confused with the one from which I have read in another connection. That first letter was in reply to an address sent him by the Vermont House of Representatives at the beginning of his first term, and the one from which I have just read was in reply to an address of the Vermont Legislature sent to him, as I have already said, toward the expiration of his last term. In the first letter he stated what he understood our Government to be, while in this second letter he states what he considers the best form of government.

Under date of July 12, 1816, in a letter to Dr. Samuel Kerchival, who had requested his opinion upon the advisability of calling a constitutional convention to revise and modify the constitution of Virginia, Jefferson reiterates his devotion to a representative government, and even declares a direct democracy impossible in Virginia. This is what he says to one of his most intimate friends who had sought his counsel:

A government is republican in proportion as every member composing it has his equal voice in the direction of its concerns (not, indeed, in person, which would be impracticable beyond the limits of a city or small township, but) by representatives chosen by himself and responsible to him at short periods, and let us bring to the test of this canon every branch of our Constitution.

Mr. President, I suppose that no man will venture to deny that Jefferson thoroughly understood the difference between a direct democracy and a representative democracy. Nor can it be doubted, in the face of what I have already read from his letters, that his deliberate judgment was against a direct democracy and in favor of a representative democracy; but I want to make that still plainer, if possible, and I therefore crave the indulgence of the Senate while I read from a letter which he wrote to the Greek scholar and patriot, M. Coray, in 1823.

This letter was written less than two years before his death, but while his faculties were still unimpaired. Indeed, sir, it is a happy circumstance that the faculties of that great man remained unimpaired to the end, for the years which wasted his body seemed only to invigorate his mind.

Knowing his devotion to liberty throughout the world and valuing him as one of the greatest constructive statesmen of all the ages, this Greek patriot had turned to him for advice concerning the institutions of his own country; and in a letter of unusual length Jefferson prefaced his detailed instruction with this general statement:

The equal rights of man and the happiness of every individual are now acknowledged to be the only legitimate objects of government. Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to wit: Government by the people, acting not in person, but by representatives chosen by themselves; that is to say, by every man of ripe years and sane mind who either contributes by his purse or person to the support of his country. The small and imperfect mixture of representative government in England, impeded as it is by other branches, aristocratical and hereditary, shows yet the power of the representative principle toward improving the condition of man.

A "government by the people, acting not in person, but by representatives," is the kind of a government which Jefferson there recommends to the liberty-loving patriots of Greece, and that is the same government which he had advised his own people in Virginia to establish. Both in his letter to Dr. Kerchival and in his letter to M. Coray Mr. Jefferson not only distinctly recognizes the difference between a representative democracy and a direct democracy, but he takes particular pains to emphasize the fact that a direct democracy is impracticable beyond very narrow limits, and to exclude it from the cordial approval which he gave to a representative democracy.

With this imposing array of sages, philosophers, historians, statesmen, and jurists all asserting with one unbroken voice that a representative democracy is the best government for mankind, and asserting with equal unanimity that a direct democracy is fraught with unspeakable disasters, I do not fear the verdict of the American people when this question is submitted to them after a fair and a full debate. My faith is unwavering that the counsel of Washington and Jefferson, of Hamilton and Madison, of Marshall and Monroe, will prevail. Indeed, sir, when the passions aroused by these appeals to ignorance and prejudice have subsided and the sober second thought has returned to the American people, they will marvel that any considerable number of them could have ever consented to abandon those governmental principles which until recent times they have cherished with an almost religious fervor.

They tell us that the doctrines of the fathers were good enough for the time of the fathers, but that we have outgrown them, and this cunning appeal to the pride of an age has flattered many weak-minded men into scoffing at what they irreverently call "the wisdom of the dead." Mr. President, that the growth of a nation may call for the adoption of new policies, and that it may even call for either a lesser or a larger application of old principles, is undoubtedly true, and no man could be more ready to recognize an act upon that truth than I am. But, sir, I utterly deny that the growth of a nation in area or population or wealth can ever alter the fundamental principles of a free government. Policies must change with changed conditions, but principles are as eternal as the stars; they are as immutable as God's law. Will they tell me that we have outgrown that cardinal principle of personal liberty which guarantees that no citizen can be condemned without a trial or tried without a jury? Will they tell me that we have outgrown that other great security of freemen which guarantees to every man the fruits of his own labor by providing that his property shall not be taken, even for the public use, without a just compensation to him?

It is just as foolish to discard one proposition because it is old as it is to reject another because it is new. The men who made our Constitution realized that their great work was not so perfect as to permit no change. Absolutely confident of their patriotism, and reasonably confident of their wisdom, they could still foresee that time might disclose some defects in the Constitution, and therefore they solemnly provided in that instrument for its amendment. Devoutly as I cherish the spirit of it, and faithfully as I strive to live up to the letter of it, I do not hold it in any superstitious reverence. I do not look upon it as the ark of a covenant, which shall provoke the curse of God against all who touch it, and I have twice voted to amend it. But, sir, while I have been willing to amend it, I am not willing to destroy it. That Constitution is definite enough to protect the humblest citizen in his every right, and it is elastic enough to punish the mightiest corporation for its every wrong. Through more than a century's trial it has been sufficient for every emergency. It carried us successfully through three foreign

wars; it walked with this Republic like a redeeming spirit through the fiery furnace of a civil war, preserving the Union even against the wrath of the men who would now give their lives in defense of its flag; and when that cruel war was over, it was held aloft by brave and generous men in the North as a shield over the bosom of the bleeding and prostrate South. That Constitution, like a flaming sword, waved back from the gates of our stricken land the merciless adventurers who had come to prey upon our misfortunes. Ah, sir, so long as I remember how that Constitution saved my father and his vanquished comrades from the awful fate of those who surrendered to the armies of the unrestrained democracies of old, I shall cherish and defend it.

If we lay aside all the admonitions and advices which the wise and patriotic of other days have tendered to us and consider this question upon our own reasoning, without regard to what others have said upon it, our minds are conducted to the same conclusion. I do not think that a government in which the people shall either make or execute the laws directly would be feasible, even within a small township or city if that township or city contained a population too great for a convenient meeting of them all at the time and place when and where public questions were to be decided. But whether I am right or wrong about that is not material here, for we are not discussing those petty political subdivisions. Our problem is with the Nation, and if they yield to our argument so far as to say that the initiative and referendum are State remedies and are not proposed for the Nation, then I answer that all that can be said about these processes in the Nation apply with equal force to their operation in the State.

The question with us is whether the people of a given sovereignty—and either State or Nation is the same in this respect—can exercise the legislative power of that sovereignty prudently and wisely without the aid of representatives. I would have the right, inasmuch as I am defending an existing institution, to require those who propose this change to show that it is practicable and that it will be beneficial; but I do not choose to stand upon that technicality of debate. I am willing to waive the rule which I could justly invoke against them and to assume the burden of proving a negative by showing that this change is not practicable and would not be beneficial.

What is the first and the most indispensable element in wise legislation? It is deliberation, and any legislation proposed or adopted without mature deliberation can only be good by accident. This has heretofore been one of the axioms of American politics and nobody has disputed it. In every legislative assembly in this land, from our city councils to the Senate of the United States, this deliberation has been deemed so necessary that all of the rules under which our public business is transacted looks primarily to that end. If the greatest Senator in this body were to introduce a bill to-morrow, it would be referred to a committee so that it might be considered carefully and perfected by such amendments as the collective wisdom of that committee might deem necessary and proper. That is not only our rule to-day, but that was the rule in what men who delight to praise the past call the "Golden Age" of the American Senate. The wisest Senator of that day was compelled to submit his bill, though drawn with his utmost care, to the scrutiny of a Senate committee. The sole and only reason for that rule is that the minds of several men concentrated upon any subject or any document, exchanging their views not only upon its general purpose, but upon its details and even its phraseology, are absolutely necessary to make the bill do what is desired, and no more than that. Perhaps I ought not to say that is the only reason, because there is another, but so cognate to that as hardly to be distinguishable from it, and that other reason is that when the bill comes before the Senate for consideration in open session Senators will have the benefit not only of an explanation of it by the man who introduced it, but also have the benefit of a report from the committee which has carefully considered it. So deeply embedded in all the thoughts and practices of the American people is this plan of sifting every general proposition, of performing every general act with care and deliberation, that even where the people come together in their primary capacity to consider matters of purely local interest they generally appoint committees to prepare such addresses as they think it expedient to issue.

It is sometimes said that the people, with their excellent common sense, can better judge their own needs and interest than great intellects can. I have lately read several editorials in which the writers have declared that the ability of the Senate is being steadily reduced to what they were pleased to call the level of average intelligence; and have expressed the greatest satisfaction with that change in this body. But, Mr. Presi-

dent, even if legislation does not require great ability and even if the average man would be a better legislator for the country than the man of genius, it still must be true that the average man can not legislate wisely unless he studies the question thoroughly for himself and then exchanges views with the others who are engaged jointly with him in the performance of that highly important duty. It does not matter whether men are great or small, above the average, or below the average, or at the average, they can only legislate wisely for this country and these people by debating with each other every question which they are called upon to decide.

But, Mr. President, instead of endeavoring to enforce this view in my own way and with my own words, I can perhaps convince those who differ with me better by directing their attention to what has been said by another. Many sensible things have been written upon the necessity and the efficacy of debate, but no man has ever set forth its advantage, and even its necessity, more clearly or more forcibly than has been done by the next President of the United States. In his admirable book on "Constitutional Government in the United States," from which I have already quoted, Prof. Wilson goes at length into this subject. He not only stresses the necessity of debate, but he goes further and declares that the only debate which will answer the purpose is a debate face to face, mind to mind, and man to man. He dismisses the suggestion so often made, that the people can learn all they need to know about public questions from the newspapers, by adverting to the well-known fact that, as a rule, each newspaper becomes a partisan on every question and presents only one side of the argument, and to the further fact that many newspapers are controlled by special interests. I do not know whether this last statement is well founded or not. I have been told by gentlemen who have long been connected with the press that there are very few newspapers actually owned and controlled by any special interest. One of these gentlemen, however, tells me that it is too true in many cases that the attitude of newspapers is controlled by the counting office, and that the matter of dividends to the stockholders sometimes overrules a consideration of the public interest. All this may or may not be true; I do not know. But I do know that certain individuals with political ambitions, personal disappointments, and personal animosities now control many newspapers, and although they are loudest in their denunciations of the trusts, they are constantly extending their ownership and control over newspaper properties for the double purpose of terrorizing public men and reaping the larger returns upon the investment which a chain of newspapers is apt to bring. Considerations like these undoubtedly diminish the value of every newspaper discussion of any public question and render them unsafe guides, as Gov. Wilson says in the following dissertation.

There is discussion and discussion. I suppose that we have come to think debate less necessary in our legislative assemblies than it may once have been, because we have allowed ourselves to fancy that the action of government was sufficiently discussed and nicely enough squared with opinion by the news columns and editorials of our newspapers. But even if the chief newspapers were not owned by special interests; even if their utterances really spoke the general opinion of the communities in which they are printed, as very few of them now do, their discussion of affairs would not be of the kind that is necessary for the maintenance of constitutional government. There are many things to be said about the newspapers which will make this at once evident. For one thing, few men outside the big cities read more than one newspaper. Few men, therefore, ever get put before them in the newspapers they read more than one side of any question; and they generally decide for themselves beforehand which side that shall be by their choice of a newspaper. But far more important than that is the little recognized fact that no number of separate discussions of a question, no matter how assembled, no matter from how many different points of view, from how many different papers or different sections of the country, constitute such a comparison of views as a responsible representative assembly can institute in its debates.

Discussions which are to lead to action must be combined, compounded, made up out of many elements, or else out of a few, by a process which can be thorough and trustworthy only when these several elements are, so to say, brought personally face to face, as living, contending forces embodied in men authorized to be the spokesmen of voters and speaking with a constant sense of being held responsible for what they say. Common counsel is not jumbled counsel. There is often common counsel in the committee rooms of the House, but there is never common counsel on the floor of the House itself. It goes without saying that the combined acts of a session are not a product of common counsel. They have been produced by a thousand agencies, not thrashed out by one, and they have not been thrashed out in the presence of the country, but behind closed doors.

It may sound a very subtle matter, but it is in fact intensely practical, and is worth looking into. It is because we do not look into it or understand it, though it lies at the very heart of our whole practice of government, that we sometimes allow ourselves to assume that the "initiative" and the "referendum," now so much talked of and so imperfectly understood, are a more thorough means of getting at public opinion than the processes of our representative assemblies. Many a radical program may get what will seem to be almost general approval if you listen only to those who know that they will not have to handle the perilous matter of action and to those who have merely formed an independent—that is, an isolated—opinion, and have not entered into common counsel; but you will seldom find a deliberative

assembly acting half so radically as its several members professed themselves ready to act before they came together into one place and talked the matter over and contrived statutes. It is not that they lose heart or prove unfaithful to the promises made on the stump. They have really for the first time laid their minds alongside other minds of different views, of different experience, of different prepossessions. They have seen the men with whom they differ, face to face, and have come to understand how honestly and with what force of genuine character and disinterested conviction, or with what convincing array of practical arguments, opposite views may be held. They have learned more than any one man could beforehand have known. Common counsel is not aggregate counsel. It is not a sum in addition, counting heads. It is compounded out of many views in actual contact; is a living thing made out of the vital substance of many minds, many personalities, many experiences; and it can be made up only by the vital contacts of actual conference, only in face to face debate, only by word of mouth and the direct clash of mind with mind.

Mr. President, I am sure that every Senator who has followed closely the reading of this extended quotation from Prof. Wilson is now ready to concur in my statement, made before it was read, that no clearer presentation of the necessity for debate has ever been made; and after conceding all which his friends claim for his ability, I am still surprised that any man, whose personal experience had not taught him the value of debate, could have written so intelligently about it.

Every man who has practiced law has learned how dangerous it is to go into the court room unprepared on a case, because he knows that a well-equipped adversary will demolish his half-baked arguments. Every man who has served as a judge upon the bench can easily recall how often the attorney for the plaintiff had made out his case until the attorney for the defendant had pointed out the defects in the argument, or some substantial distinction between the case at bar and the cases which had been cited. But, even more than lawyers and judges, men who have served in legislative assemblies have witnessed how a debate has changed the whole trend of opinion. How often have we gone into our committee rooms confident in the correctness of our position upon some bill pending before that committee, and how completely we have been convinced of our error after hearing all that could be said on both sides. Perhaps that experience has not come to me as often as it has come to others, because a tenacity of opinion is one of the infirmities which those who do not love me often allege against me; but I count it no reflection on my firmness or upon my intelligence to say that I have been compelled, more than once, upon the fuller information furnished by a debate, to modify my opinion. No man can ever be sure of any opinion until he has subjected it to the searching test of an analysis by those who differ with him. It is only after our opinions have been assailed from every side that we can find their weak places, or else find that there are no weak places in them.

Not only would the initiative and referendum result in hasty and inconsiderate legislation through a lack of illuminating debate, but it would destroy also the safeguards afforded by our present system of double legislative chambers; and, in my opinion, that would be a calamity from which our country could never recover. The most enlightened opinion in this country, and the most enlightened opinion in every civilized nation in the world, calls for two houses in every legislative assembly. Manifestly the two legislative chambers are designed to insure a consideration by one house and a reconsideration by the other for every law by which the people are to be bound; and it would be the excess of folly to strike down this arrangement which the wisest statesmen in every country have pronounced one of the most salutary restraints ever devised by any people for the protection of their liberty and happiness.

Another safeguard which would be swept away by this system of direct legislation would be age as a qualification for the law-maker. At present a minimum age is prescribed for the members of each legislative body, in the just expectation that legislation will be matured by men of reasonable experience and ability. Not only does the Constitution of the United States require that men shall have attained a greater age before they are eligible to the Senate than to the House of Representatives, but the same discrimination exists in almost every State in this Union with respect to the members of the lower and upper houses of their legislatures. But in this new and dangerous legislative assembly, composed of all the people, without any distinction as to age, character, or ability, the rashest youth in Georgia who had attained the age of 21 years would be as much a legislator as the distinguished Senator [Mr. Bacon] who sits before me. His character and his attainments have won for him a third reelection to the Senate—an honor never before bestowed by Georgia on one of her sons—and yet, sir, if laws are to be passed by a direct vote of the people, his neighbor, who might be lowest in character and intellect, would be as much a legislator as he. Is this wise; is this prudent; is this safe? Every man who will put that question to his conscience and his judgment must answer, no.

Another serious objection to a system of direct legislation is that it will culminate in a dissolution of political parties and the division of our people into groups or factions. I am aware, of course, that some who look only at the surface of things would hail that as a consummation devoutly to be wished, because they are constantly lamenting the violence of party spirit. But, sir, we can never correct that evil by substituting factions for parties, because the factional spirit is always incomparably more violent than party spirit. I do not need to appeal to history in proof of that assertion. I do not need to interrogate the philosophers about it, for some very recent political events must have made the truth of it patent to every unbiased mind. Sixteen years ago, when the Democratic Party divided into warring factions, each hated the other worse than the Republican Party, and men who had spent their lives in declaiming against Republican policies openly and actively solicited their neighbors to vote the Republican ticket. Last year the Republican Party was torn asunder and, as we all know, each faction hated the other worse than its ancient enemy, the Democratic Party. We saw men who had passed their manhood in defending the Republican Party, men who had fought shoulder to shoulder through many campaigns, denouncing each other with a bitterness more intense than that which had riven our party in 1896. No, Mr. President, you can not moderate party spirit in this country by breaking up the great parties into small factions, but you can in that way destroy all responsible party government and turn this Republic over to the management of a minority. The rule of a minority is not the kind of a government which is desirable in any country, and least of all in this country. It is not the kind of a government which any thoughtful statesman would be willing to establish, but it is the kind of a government which must inevitably result from the destruction of our parties and the reign of factions. The Senate has witnessed within the last two years the group system in operation, and we have seen the legislation of this body controlled by less than a dozen men, who were in turn largely controlled by one man. With something like 45 regular Republicans and with 42 Democrats less than 10 Progressives have dominated this body upon some of its most important measures. They would first vote with the regular Republicans to defeat our Democratic bill and then force us to join them in passing their own bill, or else defeat all legislation on the subject.

Take the woolen bill for an illustration. The Republican Party was opposed to any revision of the woolen schedule; the Democratic Party earnestly desired a substantial reduction in its duties; and between them stood this small group of progressive Senators, who voted with the regular Republicans against the passage of our bill and then compelled us to vote with them to pass their bill or leave that schedule untouched. That bill as it passed the Senate was opposed by practically every Republican Senator and was supported by the Democrats only because they were forced to pass it or nothing. It did not fairly represent the views of one Senator in every ten. Is this the way to "restore the Government to the people" and execute the will of the majority? I think not.

Political parties, if organized and manipulated merely as a means of working out personal or partisan ends, are, of course, worse than useless; but political parties organized and used as a means of conducting the Government according to certain great principles upon which the members of it agree in the main are instruments of good government the value of which it would be difficult to overestimate. Indeed, sir, it is inconceivable to me that a free government could be administered safely and wisely without political parties, because men of the same mind could not otherwise render their opinions effective in the conduct of the Government. As long as they serve this useful purpose parties are necessary and partisans may be patriots. In that sense Washington was a partisan, and though loved and trusted by all parties he was such a Federalist that Jefferson found it unpleasant to remain in his Cabinet. It was in this sense that Jefferson was a partisan, and I am by no means certain that he did not render his greatest service to his country as the founder and leader of his party. Certain it is that through the leadership of his party he acquired an ascendancy over the minds of men and exercised an influence over political events never equaled by any other man in this country. It is in this sense, I hope, that I am myself a partisan. I am a Democrat purely because I want to preserve the principles of that party and not because I am anxious to elect some man to an office. I believe, too, in party organization, and my record for party loyalty is untarnished. I have never scratched a single name from a Democratic ticket, and my vote has not been given grudgingly to the nominees of my party. But, sir, while I am a partisan, I am not an intellectual slave, and I have always reserved the right to think for myself, and I have always held it to be my

duty to vote according to my own judgment on every great question. My first speech in the House of Representatives was made against the rule which clothed the Committee on Rules of that body with such extraordinary powers. That rule was reported by the Democratic leaders and made a party question; but that fact could not convince me that all of the committees of the House should be subjected to the control of a single committee, and I felt obliged by my sense of duty to say so. Exactly what I predicted would come to pass under that rule did come to pass, and everything I said against it has been fully justified. If I thought my party were about to make a mistake like that to-day, I would make my last speech against it just as readily as I made my first. But, sir, while exercising a liberty of thought and speech, which no self-respecting and patriotic man will ever surrender, I am a firm believer in the value of party organization, and I can support no policy which, in my judgment, is certain to eventuate in the decoy of political parties. If we do not follow parties we will follow persons, and when we have walked in that course long enough the man on horseback will come and a military despotism rises upon the ruins of a free Republic.

WE TRUST THE PEOPLE.

When I plead for the government of our fathers and for those wise arrangements which have preserved our liberties and independence; when I warn my countrymen against experiments which have been tried in many lands and which have failed in every land where they have been tried, these progressive statesmen call me a reactionary and say that I do not trust the people. Sir, I trust the people more than they do, for I believe that they are intelligent enough to choose capable and honest men to represent them. I would trust with implicit confidence the American people to do anything which they will take the time to do as it ought to be done, but I would not trust them with a work which involves their liberty and their happiness, unless they will prepare for that work in a manner commensurate with its importance.

I would not be guided by any man on any question unless I knew that he had studied that question; and even then I would know that after the most thorough study the wisest will sometimes make mistakes. What is true of each man individually must be true of all men collectively, and as I would not follow with unquestioning confidence the greatest intellect and the loftiest character among us until I was assured that he was familiar with the subject on which he sought to lead me, neither will I follow all the people until I am sure that they can find time to bestow on every question the study necessary to understand it.

If you charge that I do not trust the people, because I say that they are not qualified to legislate for themselves, then you must prefer that same indictment against Thomas Jefferson, because in his letter to Arnold he declares flatly and without any qualifications that—

They are not qualified to legislate. With us, therefore, they only choose the legislators.

No man in his day, and no man since his day, confided more absolutely in the capacity of the people for self-government than Thomas Jefferson, and he did not mean to impeach either their intelligence or patriotism when he declared that they are not qualified to legislate. He simply recognized, as I do, that legislation for a great country and a free people requires a study which the occupations of the people will never allow them to bestow upon it. If you tell me that what Jefferson said might have been entirely right in his day, but entirely wrong in this day, my answer is that every man who knows the conditions which existed then and the conditions which now exist understands that the people of that day were better qualified to legislate than the people of this day. That is true, in the first place, because there was much less legislation then than now, and all legislation was much simpler; and it is true, in the second place, because the average intelligence of the people who were then permitted to vote was greater than it is to-day. When Jefferson wrote that letter our country was not menaced by the mass of black ignorance, which the fifteenth amendment injected into our body politic, or by an enormous immigration of men wholly incapable of understanding our institutions.

Mr. President, it does not reflect upon the intelligence of any man to say that he is not competent to do a work to which he has not given any special attention. Nobody thinks that it impeaches a lawyer's ability to say that he can not practice medicine. When one of my family falls sick I call a doctor, and I do not consider that I thus acknowledge that he has more sense than I have, or that he is more interested in restoring the sick member of my family to health than I am. I send for him because he has devoted himself to the study of medicine, and therefore into his keeping I commit the very lives of my loved

ones. Sir, I have seen my older boy wavering between life and death, and by his bedside I sat through the long watches of the night, suffering an agony greater than his, but not once did I venture to countermand the physician's orders. Did I thus imply the superior ability of the doctor or his greater interest in my boy? No, sir; I simply acknowledged that it was safer to follow the directions of a man who had studied medicine than it was to have those directions varied by the father, who had studied law. We will not permit a man to manage a bank or to superintend a farm or to conduct a mercantile enterprise without some previous experience, reinforced by a constant and personal attention to the business. The best engineer on a railroad seldom has more sense than the president or the general attorney of that road, but I ride without any thought that I am incurring a risk upon a railroad train drawn by an engine at whose throttle stands a sturdy and experienced engineer, while I would not ride between the stations nearest to each other on that same train if its engine were driven by the president or the general attorney of that same road.

In every relation of life we recognize the necessity of experience and of a diligence in every matter according to its importance. We will not employ a man to do any work for us in our individual capacity unless he has served some sort of apprenticeship, or at least is willing to give some time and thought to it, and yet, sir, we commit the grotesque absurdity of pretending to think that the greatest of all work, the legislation of a free people, can be wisely done without previous experience and without diligent attention to it. It is a crime against the memory of our fathers, and it is a greater crime against the safety of our children, to flatter the people with an assurance that they can legislate wisely without applying themselves to a thorough study of the measures upon which they must vote.

When these gentlemen who call themselves progressives say that they believe in the rule of the people, they say no more than has been said by all public men, with rare exceptions, throughout our history, unless they intend that hereafter a significance shall attach to that expression different from that which has attached to it heretofore. I believe as sincerely as any man in the rule of the people, but I believe in the rule of the people under our written Constitution and according to the principles of this Republic. Is that the creed of our progressive friends? If so, then there is nothing either new or dangerous in it; but neither does it give them any special claim upon the confidence and support of the people. If those gentlemen disagree with me, and with those who think as I do on this question, it must be because they desire to establish the rule of the people in some way not sanctioned by the Constitution or the principles of a representative democracy; and that is precisely what they aim to do. They are seeking to work a radical change in the character and structure of this Government. Many of their followers do not believe that, but the candid leaders of the movement admit it, and declare that while they propose to change the character of the Government they expect to make it better. They have shown themselves politicians of consummate skill in selecting as their battle cry "The rule of the people," because that finds universal acceptance in this country as an abstract proposition, but in its actual application it is subject to many exceptions.

There is not a Senator from a Southern State who will not declare that he believes in the rule of the people, and yet they must permit me to say that they believe in that rule with several very important qualifications. They do not believe in the rule of all the people, because no Southern State has yet granted the franchise to women, and I sincerely hope they never will. I can not comprehend how any woman can desire to reduce the difference between her and a man, because the closer she is brought to him, outside of the family relation, the less he will respect her. I can not understand how any woman can voluntarily step down from the pedestal upon which the chivalric men of this country have placed her to mingle in the strife and broils of a political campaign. It may be that the women would help our politics for a time, but our politics would hurt women for all time, and, reacting upon the home, would poison the very fountains of true progress and civilization. But so long as we deny the franchise to women we can not consistently declare our belief in the absolute rule of the people, for women are people, and the very best people, though not the kind of people to engage in the responsible work of declaring wars or in the rough work of fighting them.

In the Southern States we not only exclude women from all participation in our government and thus reduce the formula to read that we believe in the rule of the men people, but even that must be further qualified, because every Southern State except the one from which I come has adopted constitutional amendments designed to exclude a large number of men from all par-

ticipation in the government; and consequently the formula, according to the theory and practice of the Southern States, must read that they are in favor of the rule of the white men people. In California they are willing for white men and black men, white women and black women to rule, but they are not willing for yellow men and yellow women to rule. There is not a State in this Union to-day which will permit convicts or idiots to vote, and yet convicts and idiots are people, but the crime of the one and the affliction of the other have long been regarded as a sufficient reason for withholding from them the right of suffrage. The truth is, Mr. President, that when we analyze this matter we see that what passes amongst us to-day as a sign of devotion to the people is nothing more than shallow thinking or unadulterated hypocrisy. I believe in the rule of the people, but I do not believe that vice and ignorance should govern this country. I believe in the rule of those who possess intelligence and virtue, because I know that they alone can save this Republic.

Unable to answer the argument in favor of a representative democracy, our opponents, or at least some of them, disavow any desire or intention to subvert it and insist that they propose the initiative and referendum merely as a means of preserving the representative principle. I seldom allow myself to suspect the intellectual integrity of my opponents, because, in a public career covering almost a quarter of a century, I have found that men are generally honest in their political opinions. Of course, I know that public men are not always governed by a sense of deep conviction in espousing popular measures; but the vice even in such cases is rather a want of knowledge than a want of integrity. If a man does not understand a question, he can not possibly know which is the right side of it, and without knowing the right side he can hardly be censured for taking the popular side. But liberal as I am toward those who differ with me, it is extremely difficult for me to understand how any man can really believe that the representative principle can be preserved by superseding it; and certainly the initiative and referendum do supersede it so far as they may be adopted and applied. Not until two bodies can occupy the same space will it be possible for a representative democracy and a direct democracy to exist side by side under the same government. A direct democracy is as different from a representative democracy on the one side as an aristocracy is different from a representative democracy on the other side; and it is an elementary of political science that no government can be successfully conducted upon principles which run in opposite directions. Prof. Wilson recognizes the truth of that proposition in this book, from which I ask permission again to read:

There are many evidences that we are losing confidence in our State legislatures, and yet it is evident that it is through them that we attempt all the more intimate measures of self-government. To lose faith in them is to lose faith in our very system of government, and that is a very serious matter. It is this loss of confidence in our local legislatures that has led our people to give so much heed to the radical suggestions of change made by those who advocate the use of the initiative and the referendum in our processes of legislation, the virtual abandonment of the representative principle, and the attempt to put into the hands of the voters themselves the power to initiate and negative laws—in order to enable them to do for themselves what they have not been able to get satisfactorily done through the representatives they have hitherto chosen to act for them.

That the initiative and referendum involves "the virtual abandonment of the representative principle" is not only recognized by Gov. Wilson in the extract which I have just read, but the conflict between the two has been recognized and asserted by the Senator from Oregon [Mr. BOURNE], and surely his opinion can not be lightly brushed aside, because he enjoys the doubtful honor of being one of the leaders of this crusade. He understands the question as well as any of his associates, and I cheerfully do him the justice to say that he is as sincere and as patriotic in his views as I am in mine. Within the last two years he delivered a speech in the Senate which has perhaps been given a wider circulation than any speech ever delivered by any Member of this or the other House. I understand that more than 5,000,000 copies of it were printed and distributed, and I have been told that 5,000 copies of it were placed by one Socialist club in Texas. That speech was considered such an authoritative statement of the progressive position that it was printed by unanimous consent of the Senate as a public document, and on the title page of it stands the slogan "Popular vs. Delegated Government." That carries with it no suggestion that the initiative and referendum are to be employed as mere aids to the representative principle, but it boldly proclaims the conflict between them, and that conflict will not end until the one shall have triumphed over the other. My intellectual vision does not enable me to penetrate the future, and I shall not attempt to prophesy which shall perish and which shall survive; but I am authorized by the

history of the past to say that if the representative principle falls this Republic must fall with it.

The development of the initiative and referendum has a curious history in this country, and it is not traceable to any respect which the politicians have entertained for the will or the wisdom of the people. The initiative, of course, has grown out of the referendum, and the origin of the referendum is really the interesting part of the story. So far from it being true that questions were first referred to a direct vote of the people out of any deference to their will or eagerness to serve their interest the real truth is that the practice grew out of the cowardice of politicians, and when you consider the questions which were first dealt with in that manner you can not doubt the correctness of what I say. It must, however, be said to the credit of the politicians of those days that they did not insult the intelligence of their constituents by indulging in the cant which is now so prevalent. The chief subjects of the referendum in the early stages of its development were the questions which gave the politicians most trouble, such as the location of capitals, county seats, and the liquor traffic.

Every man who has lived in a new State knows the intense bitterness and the absorbing interest which the location of a capital always excites; and the same is true even in a greater degree with respect to the courthouse towns of counties. It is not at all uncommon for contests of this latter kind to result in public disorder and bloodshed. And yet, Mr. President, we can scarcely imagine a question which less concerns the happiness of the people, the security of their liberties, or the permanence of their government. Whether the capital shall be located at one place or another, or whether the courthouse shall be located at Johnstown or at Jamestown may deeply affect the prosperity of the one or the other locality, and may affect the convenience or inconvenience of a larger or smaller number of people; but no question of that kind can ever advance or retard the general prosperity or involve any principle of good government. Questions of that kind, however, do very seriously involve the future of the politicians called upon to decide them, and with a cunning which has brought reproach upon their class they promptly transferred the settlement of those questions to the people.

In adopting the local-option method of dealing with the liquor question the politicians builded better than they knew, because the difficulty of enforcing a prohibition law in a community where the sentiment favors the sale of liquor renders it especially wise to take the sense of the people on that question; and a close comparison of all the methods of dealing with the liquor traffic convinces me that the local-option method is the best. But, after all, whether liquor shall be sold or its sale prohibited, is a mere matter of police regulation—an important one, I grant you, vitally affecting, in many cases, the peace and the good order of communities—but it is still a question of police regulation, and I have never been able to comprehend how sensible men could become so excited over it as to subordinate all other questions to it. But, sir, while I can not comprehend how this can be true, I know perfectly well that it is true; and when the politicians learned that more than a half century ago they sought to relieve themselves by submitting the question to a vote of the people. But the politicians of that time, while seeking an escape from a responsibility which they were afraid to meet, did not really propose a radical change in our system of government, for, after all, the questions which they submitted through a referendum did not require the people to engage in legislation, as that term is properly understood. They did no more than to say that in particular cases the people, acting under a law already passed by the legislature, should really determine a fact.

IS REPRESENTATIVE GOVERNMENT A FAILURE?

And now, Mr. President, upon what ground are we asked to abandon the very basic principle of this Republic? It is neither more nor less than that representative government has proved a failure. It is true, sir, they do not employ that exact phraseology, because these progressive statesmen shrink from presenting the issue in that naked form to the people, and the most they now venture to say is that under selfish and sinister influences, which some of these very progressives helped to set in motion, representative government is breaking down. Is that true? It is exactly the opposite of the truth, for there has never been an hour since Washington took the oath as our first President when the representatives of the people were so responsive to the will of the people as they are to-day, and if there be any ground for criticism it is that these representatives are so eager to execute the will of their constituents that they too often act without waiting to learn the mature and deliberate judgment of the people.

Of course if it can be proved that a people as intelligent as ours and with a suffrage as broad as that which they enjoy can not secure the services of men who are faithful to their

interest and obedient to their will, then we must confess before the world that this Government, as it was founded by our fathers, has failed; but we can not rescue it from failure by converting it into a direct democracy, and we might as well admit that it furnishes another melancholy proof of man's incapacity for self-government. If our people lack the intelligence to select wise and honest men to make their laws, or if they are too negligent to make such a choice, we can not reasonably expect that they will perform with greater intelligence or with better diligence the more difficult and perplexing duty of making laws for themselves. If the people will not discharge the simple duty imposed upon them by our present system, it is absurd to suppose that they will discharge additional duties of greater delicacy and complexity. Judging human nature by what little I know about it, I would say that we can not compel the people to take more interest in their elections by increasing the frequency of those elections, and we will greatly aggravate their difficulties if, in addition to the more frequent elections, we add the enactment of measures to the selection of men.

Happily we are not without some light to guide us in forming an opinion on this question; and that light does not come from the musty pages of the Federal Convention; it comes from events so recent that even a Progressive will hardly refuse to follow where it leads. I have here the book of Prof. Dodd on "The Revision and Amendment of State Constitutions," and it contains an appendix giving the popular vote on constitutional amendments in the several States since 1900. The whole table is full of instructive interest, and conclusively proves the aversion of the American people to direct legislation. In seeking to extract its lesson from this table, I will begin with my own State, because I can comment freely upon what our people have done. The first Texas vote which it records was on November 6, 1900, the day on which our general election for that year was held. The total vote for candidates at that election was 449,339, while the total vote on that constitutional amendment was only 240,098, which means that less than 54 per cent of the men who went to the polling places and cast their ballots for the candidates voted on the constitutional amendment. But even that does not tell the whole story, because owing to the great disparity in the strength of political parties in our State we seldom have a contest spirited enough to bring out a full vote; and, therefore, the 240,098 men who voted on that amendment represented less than 35 per cent of those who were entitled to vote.

The next amendment to our constitution provided for the payment of a poll tax, and more than 99 per cent of those who voted for the candidates at that election voted on that constitutional amendment. That is a percentage unprecedented in our State, and, I believe, unprecedented in any other State. The explanation of that remarkable vote is that it involved the prohibition question. The Prohibitionists were striving to secure the adoption of the amendment, because they believed that many of those who regularly voted against prohibition would not pay the poll tax; and the anti-Prohibitionists, taking the same view of the matter, sought to defeat the amendment because they believed that its adoption would seriously affect all future prohibition elections; but, notwithstanding the excitement of a question like that, only 309,150 electors participated in that election. I have already stated that the lack of party contest greatly reduces our vote, but here was a contest over a question which provokes an intensity of feeling such as no other question ever arouses, and yet, under that stimulus, less than one-half of our qualified voters took interest enough in it to cast a vote upon it. With this peculiar question settled the normal public interest in constitutional amendments again exhibits itself, and on the 15 amendments to our constitution which have been submitted in the last 10 years the vote has never risen above 61 per cent, and has fallen as low as 43 per cent, of the total vote cast for candidates, which itself represented, upon an average, only half of the electorate. Upon 9 of the last 15 amendments the total vote cast both for them and against them aggregated less than 100,000 out of more than 600,000 qualified electors.

Utah is next on this list, and 29, 43, 42, 35, and down as low as 23 per cent was the average in that State.

Virginia comes next, and her average on three amendments was 52 per cent, 11 per cent, and 10 per cent.

If any State in this Union ought to make a good showing in this respect it should be Wisconsin; but her votes, as set forth by Prof. Dodd, were only 35 per cent, 29 per cent, 29 per cent, 24 per cent, 27 per cent, 25 per cent, 27 per cent, and 36 per cent. On eight constitutional amendments the percentage in the great State of Wisconsin has ranged from 36 down to 24.

Nothing could better illustrate the impossibility of inducing the voters of this country to settle questions of a legislative or a constitutional character by their direct votes than the

history of the very questions upon which I am now addressing the Senate. In 1904 the State of Missouri rejected a constitutional amendment providing for the initiative and referendum by a vote of 115,741 for it to a vote of 169,281 against it, making a total of 285,022 votes cast on that question, while the total vote cast for candidates at the same election aggregated 643,969. With a tenacity and an energy which I regret to say their opponents do not emulate the advocates of the initiative and referendum procured the submission of a second constitutional amendment providing for the initiative and referendum in 1908, and it was then adopted by a vote of 177,615, against 147,290, making a total of 324,905 votes out of a total cast for candidates at the same election of 715,618.

During the year just closed the people of Ohio voted upon an initiative and referendum amendment to their constitution. Had that amendment been submitted alone, we could better understand the small vote which was cast, but 40 other amendments to the constitution of that State were submitted with this initiative and referendum amendment. The State was canvassed from one end to the other by politicians of high and low degree, practically all of them declaiming with vehemence against faithless representatives and demanding that "the government should be restored to the people." According to my information, a thousand speeches were made in favor of the initiative and referendum, while less than 100 were made against it. When the vote was counted it was found that in round numbers 275,000 had voted for that amendment, while 225,000 had voted against it. Stated in that way and looking no further into the matter, the majority would seem decisive enough, and the vote itself seems reasonably large; but, sir, when we remember that Ohio cast more than 1,100,000 at the preceding presidential election we know that the 500,000 who voted both ways on that constitutional amendment were less than one-half of those who were entitled to vote on it, and about one-half of those who within 60 days afterwards went to the polls and voted upon the election of candidates. Had the other 600,000 voters gone to the polls that constitutional amendment would have been defeated by an overwhelming majority, for it is certain that among the absentees there were no advocates of these modern isms. The men who believe in converting this Republic into a direct democracy never remain away from the polls when there is an opportunity to advance their cause; and the plain moral of all this is that a system of direct legislation tends to reduce this Government to the control of active and radical minorities.

If it be true, as I am sure it is, that our representative system works more perfectly to-day than it ever worked before in our history, what has created the distrust which, I regret to say, now so largely pervades the minds of our people? My own opinion is that it is due largely, if not entirely, to a certain class of newspapers and magazines, and I do not think that in the beginning they expected or intended to seriously disturb public confidence in our Government. Years ago, as a kind of light and idle gossip, the reporters began to print a list of senatorial millionaires, and describe the Senate as a rich man's club. Unfortunately the public seemed to relish gossip of that kind, and the scribes forthwith increased the length of that list as well as the frequency of its publication. They were not always scrupulous about its accuracy, and many Senators of modest fortunes were set down as millionaires. I remember well a Senator who sat next to me for years—one of the gentlest, bravest, truest men I ever knew—and seeing his name included amongst the millionaires of the Senate one day I congratulated him upon having a bond against poverty in his old age, expressing at the same time the hope that he had not been so badly misplaced as I had, for I was also included in that list. He turned to me, and with a candor which won for him the respect and affection of all who knew him, said that at no time in his life was he ever worth as much as \$150,000, and that was before he came to the Senate. He further said that if his property were reduced to cash that hour, and his debts all paid, he would not have \$25,000 left, and yet he was advertised to this country and to the world as a senatorial millionaire.

From this habit of exaggerating the wealth of Senators these same gossippers passed by easy stages to insinuations that many of them had acquired their wealth while in the public service. I remember a Senator, of long and useful service in this Chamber, who was accused for years of having accumulated his millions in politics, and though he was a Democrat of unswerving party fidelity that accusation was often printed in Democratic newspapers. I had read it so many times before I was elected to the House of Representatives that I accepted it as true. In fact, it never occurred to me to doubt it, and I came to Washington with a prejudice against him. It was afterwards my privilege to know him well, and to learn that instead of growing rich out of the public service he had spent more in helping to

maintain the organization of his party than he had saved. The partners with whom he had engaged in certain legitimate business enterprises had made and paid over to him as his share of their profits more than three times as much money as he was worth when he died. These are examples which I could easily multiply, but they sufficiently indicate the heedlessness of such criticism.

Having falsely assumed that men had made great fortunes while serving in the Senate, it was easy to insinuate into the public mind a suspicion against their integrity. To ask if a man could make millions honestly in the public service, of course admitted of but one answer; but the question assumed a lie, and therefore required no answer. Senators were too proud to file an inventory of their possessions with the newspapers, and they submitted in silence to those imputations upon their honor.

Emboldened by the refusal to deny their charges and encouraged by the avidity with which the public received and read them, those newspapers proceeded to instill their poison into the public mind in a bolder fashion. Mr. President, I do not want what I am saying to be misunderstood. I do not mean that all newspapers were guilty of this infamous practice. Many of them were not, but I grieve to say that those which were seemed to prosper more than those which were not. Avaricious owners were swift to learn, what I blush for my countrymen to say is true, that assaults on public men secure many readers, while eulogies bring none. If one of the Washington papers would announce in to-morrow's issue that on next Sunday it would recount the virtues and the services of a certain Senator, that announcement would not sell two hundred extra copies of that paper; but if that same paper were to announce that next Sunday morning it would expose the immoralities, the debaucheries, and the corruptions of that same Senator, the extra demand would exceed 5,000 copies. Let us hope that this will not always be true. Let us hope that the time will come when the truth will outsell falsehood, and when groundless libels will reduce a paper's circulation as certainly as they now reduce its influence.

Once having learned that sensational attacks, though utterly destitute of the truth, would be eagerly read by the public, unscrupulous editors and owners found that they could gratify their spite and increase their incomes by assailing public men whom they happened to dislike, for personal or political reasons; and the carnival of slander was deliberately inaugurated. I do not know, and therefore I am not willing to say, how far they counted the consequences; but they ought to have understood that they could not destroy the confidence of the people in their representatives without also destroying the confidence of the people in our system of representative government. Doubtless when some of those men began to realize that, they would have turned back except for the fear that they would thus draw the fire from both sides. Others, however, welcomed the state of mind which they had, perhaps unwittingly, helped to produce as offering them a still better opportunity to reach a bad eminence; and knowing that the ignorant prejudices to which they were appealing would tolerate no moderation, they entered upon a systematic effort to still further dissatisfy the people with their government by assailing the patriotism and integrity of every man who had the character and the courage to oppose their selfish and diabolical schemes. They have done me the honor to single me out as the object of their fiercest attacks, and have slandered me with more malevolence and less reason than any man in public life. They hate me because I entreat the people to hold fast to the safeguards of a written Constitution; and because I believe in an orderly government which shall protect the life, the liberty, and the property of every citizen they denounce me as a "corporation lawyer." They have not, of course, attempted to show wherein I have served the corporations against the people, because mendacity and malice combined could not do that. There is my record, sir; it covers more than 21 years. During that time I have participated in every great debate, and I have voted on every important measure, but they can not find where I have ever spoken or voted against the honor or the interest of the people whose commission I have held. They have charged me with practicing law, but the most reckless of them do not claim that I have been employed in any case which could affect legislation or which could be affected by legislation.

I have here a sample of these attacks, in a magazine owned and published by one William R. Hearst, who affronts the decency of this Nation by posing as an apostle of civic righteousness. Politics with him are a trade and patriotism a pretense; he delights in assassinating the character of honest men and revels in the slime of the gutters. Without conscience, fidelity, or courage he is a moral pervert and political degenerate and a physical coward.

Mr. ASHURST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Arizona?

Mr. BAILEY. I do.

Mr. ASHURST. I would be false to friendship—

Mr. BAILEY. If you want to reply for him, you must do so outside; you can not interrupt me for that purpose here.

Mr. ASHURST. I will when you get through, sir.

The PRESIDENT pro tempore. The Senator from Texas declines to yield.

Mr. BAILEY. The one article in this magazine which has perhaps been read more widely than all of the others is an attack upon Members in both Houses of Congress, who are charged with subservience to the Standard Oil Company. That article consists almost entirely of certain letters written by Mr. J. D. Archbold, or written to him, and the comments of the author upon those letters. The obvious purpose of the publication is to impress the people of this country with a belief that their representatives instead of serving them are serving the great corporations. Among the letters which appear in this magazine is one which purports to have been written by the Hon. J. C. Sibley, of Pennsylvania, to Mr. Archbold, in which he refers to "Mr. B., a Democrat," and whom he identifies further on as a Member of this body. The author of this article assumes that I was the Mr. B. referred to by Mr. Sibley, and proceeds to assail me as one of the Standard Oil Senators, seemingly oblivious to the fact that the very letter on which he based his charge completely refuted it.

On one page he classified me as a Standard Oil Senator and on another page prints a letter which shows that, within the knowledge of the man who wrote it, I had little or no acquaintance with Mr. Archbold, the manager of that corporation. This would seem to convict the man who wrote this article of a stupidity almost sufficient to excuse him for lying; but we must not leap to the conclusion that he is so stupid as his screed makes him appear to sensible men. The letters which he was publishing had been stolen, and he was shrewd enough to know that the readers whose prejudices he was striving to inflame would consider it a matter of suspicion that a man's name was mentioned at all in a stolen letter. When I was a boy at the law school I was taught that the man who received stolen property, knowing that it had been stolen, was as guilty as the thief himself, and that is just as true in morals as it is in law. Up to within these last few years any man who would have hired thieves to rifle the letter books and letter files of his employer would have been ostracized from the association of honest men, and he could not have found an audience in America which would have heard him publicly proclaim his infamy. But the times are different now, and if a man will pretend to be a reformer the people seem to forgive all his misconduct and applaud his thefts if they can be used against the reactionaries.

Mr. President, there is something wrong about this letter, for if the date of it is correct the Mr. B. to whom it refers as a Member of the Senate could not have been me, because the letter is dated February 26, 1900, and I was not then a Senator. I was not elected to the Senate until January, 1901, and took my seat as a member of this body on the 4th of March, 1901. But, sir, even if I was the Mr. B. to whom that letter referred, it imputes to me no act or opinion which could reflect on me in the slightest degree either as a Senator or as a man. It represents me as opposed to the then administration's corporation policy and states that I was prepared to "make a great fight" against the right of the Government to open a man's books for the purpose of ascertaining the profits of his business. I do not recall that I ever discussed that question with Mr. Sibley one way or the other, but I have never hesitated to express my position substantially as it is there stated to everyone with whom I have talked on that subject. I was then, and I am now, unalterably opposed to the Rooseveltian policy of legalizing monopolies and then attempting to control them. I believe that monopolies ought to be treated as commercial outlaws and punished with severity enough to exterminate them; but I am not such a fool as to think, or such a demagogue as to pretend that I think that every successful enterprise is a monopoly, nor do I think that any man should be condemned either by law or public opinion simply because he has managed his business with such sagacity as to make it a large and prosperous one. I have no prejudice against any business because of its size until it reaches a size which renders it a monopoly, and then I think that the law ought to lay its hand upon it with crushing weight. The other statement that I deny the right of the Government to search any man's books and expose his business secrets merely for the purpose of ascertaining his profits will hardly be construed as a proof of corporate sympathy by any man except a Socialist or a near-Socialist. The

man who wrote this article perhaps understood all that as well as I do, and he also understood, perhaps, that the sensible people who would read the Sibley letter would instantly perceive the absurdity of the inference against me, which he sought to draw; but he was not writing an appeal to the intelligent people of this country. He was striving to reach those who can be made to feel rather than to think.

While I could not rejoice in any result accomplished through theft or a breach of confidence, I am personally very glad that these Standard Oil letters have been printed, because they answer completely and forever the miserable wretches who have been filling this country with the charge that I am the friend and one of the attorneys for the Standard Oil Company, for these letters conclusively show that men connected in a business way with that corporation were telling them who I was and what my views were on certain public questions. Certainly, if I had been their attorney their business associates would not have thought it necessary to suggest that the manager of that colossal business ought to know me.

These letters do not, however, explode the charge against me individually any more than when properly considered they explode the charge against Congress generally. Remembering that for years these yellow journals and uplift magazines have saturated the public mind with the suspicion that all influential Senators and Representatives were in the pay of the Standard Oil Company and took orders from its officers, even their dupes must be surprised to find that there was no foundation for that charge; and that there was no foundation for it is made evident by the fact that after trusted and confidential employees had been bribed to steal everything that they could find which might inculpate Senators or Representatives, they have found correspondence with only three Senators, and none of that proves any official corruption. In saying that I do not forget that the owner of this magazine attempted to make out a case of official corruption against one Senator based upon those letters, by charging that Senator with having received a certificate of deposit for \$50,000 from Mr. Archbold, and when that Senator replied by saying that the money furnished by that certificate was borrowed for a business transaction and had absolutely no relation to his official duties, Hearst replied by reading a letter from Mr. Archbold, in which that Senator's attention was called to what is known as the Jones bill. That letter was not different from letters received by every Congressman. I have received thousands of letters from merchants, manufacturers, farmers, and labor organizations urging me to oppose or support certain measures; and upon many measures I have received hundreds of letters from those who favored them as well as those who opposed them. But by connecting the \$50,000 certificate of deposit with the letter about the Jones bill, Hearst sought to fix in the public mind a belief that the two had some connection, although at the moment when he read the letter about the Jones bill in an effort to establish a connection between it and the certificate of deposit he had in his possession a letter, or at least a copy of it, written by that Senator to Mr. Archbold returning the \$50,000, with the statement that the business transaction for which it was borrowed had been abandoned; and that letter returning the \$50,000 with that statement was written, as Hearst well knew, 10 days before Archbold's letter about the Jones bill was sent to that Senator. If every business transaction, no matter how innocent or proper it may be, is to be used as a pretext for charging that Senators are dishonest, whose reputation, sir, is safe? Only those who have no business, and the Government of this country must be reduced to the control of bankrupts and professional politicians.

Mr. President, I would be the last man here, or elsewhere, to defend a Senator or a Representative who had been recreant to his trust. Such apostates should be scourged from their high places, and their names should be effaced from the memory of men, or, if remembered at all, remembered only to excite in the minds of honest men a horror against their infamy. But, sir, to falsely accuse an honest and faithful Senator or Representative is a crime almost as great as to excuse the other kind. That dishonest men have sometimes cultivated their popularity with such success as to win an election to the Congress of the United States is undoubtedly true, but they have been the exception and not the rule. When unmasked such men should have been driven forth as unfit for association with their colleagues, and not treated simply as a type of all the others, as these scandal mongers have treated them.

Dishonest men sometimes find their way into the pulpit, but shall we distrust all preachers because a bad one now and then degrades his sacred calling? Shall we join the surging mob made up of infidels and atheists to tear down the churches; shall we reject the consolations of religion, close our Bibles, and search the Scriptures no more for eternal life because a hypocrite

occasionally procures permission from the church to preach? Shall we take our children from the schools and colleges and let them grow up in ignorance because some teacher or professor turns out to be a rascal? Shall we deny ourselves the conveniences of a bank and bury our hard-earned savings because now and then a cashier absconds, stealing the widow's mite and the orphan's portion? Shall we set our faces against the honest merchants of the land because now and then we find one who will cheat us with light weight or short measure? It would, sir, be as sensible to do all these things as it is for us to tear down this best and greatest Government under which the human race has ever found protection because now and then some man who has been trusted by the people abuses their confidence and betrays their interest.

Oh, no, Mr. President; what we need in this country and at this time is more confidence in our representatives, because this eternal war against them has made too many of them cowards. Every man in these two Houses of Congress knows that his associates are, with rare exceptions, as upright and as honest as he is; but many of them are afraid to say that much to their constituents, lest they should themselves become suspected. Many of them hear their colleagues slandered and do not defend them, because the curse of the age seems to be that no man is considered honest unless he accuses all other men of dishonesty or else sits silent when they are accused.

Mr. President, I am soon to terminate my public service, and I shall henceforth have no interest in this Government other than that of a private citizen; but before I go I want to bear this testimony in behalf of the men with whom I have served: I want to say of those with whom I have differed, as well as of those with whom I have agreed in politics, that they were as much above treachery and dishonor as any equal number of men ever assembled for any work. During my 22 years in these two Houses of Congress I have been associated with perhaps 2,000 men, and among all that number I could count on the fingers of a single hand those whose absolute integrity I have ever had the slightest reason to suspect. Among them I do not believe that there have been five men who could have been bribed with any sum of money to do what they knew was wrong; but candor toward all and good faith toward the people require that I shall also say that I have known a much larger number whom fear sometimes deterred from doing what they knew was right. I do not mean that they feared some special interest, or that they feared the lobby, of which we hear so much and see so little; but, sir, they feared the displeasure of their people.

No nobler sentiment ever animated a Representative than a desire to please those who had honored him with their confidence, but to my way of thinking it is nobler still to serve the people than it is to please them. There was a time when Senators and Representatives, having done what they believed their duty required of them, did not fear to go back to their States and districts and lay the question fully and frankly before their people. By such a course a Senator or Representative sometimes lost his office, but he saved his self-respect, and that ought to be worth more than all of the offices in the world. Under a system like that the people can be educated on public questions; for in those great debates principles instead of men were the themes and they became the high schools of American politics, where the people were trained in the difficult art of self-government. Let us pray that those days and those debates will come again, so that in them and through them we may learn to appreciate the debt we owe "The Fathers" for this Government which in the words of Jefferson is so free as to restrain us in no moral right, and so firm as to protect us from every moral wrong. With this lesson on our minds and with an undying gratitude in our hearts, we can teach our children to repeat the inspiring words of Justice Story, who thus concluded the last chapter of his commentaries:

Let the American youth never forget that they possess a noble inheritance, bought by the toils and sufferings and blood of their ancestors, and capable, if wisely improved and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defenses are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such title. It may, nevertheless, perish in an hour by the folly or corruption or negligence of its only keepers—The People. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall when the wise are banished from the public council, because they dare to be honest; and the profligate are rewarded, because they flatter the people in order to betray them.

Mr. President, I am now, and I shall be to the end of my life, opposed to kings, aristocracies, and mobs. I support now, and shall support so long as I live, the glorious Republic of our fathers. [Applause on the floor and in the galleries.]

During the delivery of Mr. BAILEY's speech, The PRESIDENT pro tempore. Will the Senator from Texas kindly suspend for a moment? The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. LODGE. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the Senator from Texas will proceed.

After the conclusion of Mr. BAILEY's speech,

Mr. ASHURST. Mr. President, as I have the honor in part to represent a State in which the people have reserved to themselves a part of their power under the initiative and referendum, I feel it incumbent upon me here and now to make reply to the distinguished Senator from Texas [Mr. BAILEY], whom the Senate is always pleased to hear, and as I sat in my seat and listened to the singularly sweet and flexible voice of the Senator and heard him swell the most commonplace subjects and even untenable propositions into rich eloquence, I thought how apt was the statement of Boswell, "that the object of oratory was not truth only, but persuasiveness as well." Indeed, the allurements of the Senator's oratory reminded me of the lines which Swift is said to have indited to Pope:

From him I can not hear a line,
Except I sigh and wish it mine.
For he can in one sentence fix
More things than I can say in six.

During his address the Senator from Texas adverted to Hon. William Randolph Hearst, and, if I understood the Senator's words aright, he intended to impute some questionable motives to Mr. Hearst. I would be false to the conduct I have marked out for myself, and false to a valued friend, if I did not in this place say that, while I know nothing of the differences which exist between Mr. Hearst and the Senator from Texas [Mr. BAILEY], I am able to say that I know Mr. Hearst to be a loving father, a faithful husband, a loyal friend, and a man whose name is honorably associated with the auspicious commencement and successful conclusion of hundreds of movements that make for the strength of the State, the happiness, the prosperity, the glory, and the greatness of our Nation. I believe, moreover, that Mr. Hearst is a sincere patriot, a true friend of the people, and a man of great courage and foresight. On this subject more than this need not be said; less than this by me could not be said.

The PRESIDENT pro tempore. The Senator will please suspend for one moment.

Mr. ASHURST. Mr. President, I do not ask for order.

The PRESIDENT pro tempore. The Chair will endeavor to preserve order whether the Senator asks for it or not. The Senate will be in order and the galleries will be in order.

DIRECT LEGISLATION.

Mr. ASHURST. The Senator from Texas has proceeded upon a false hypothesis in assuming, as he seemingly has all through his argument, that the advocates of direct legislation intend to destroy representative government. Such is not the intention of the advocates of direct legislation, but they do take the position that while direct legislation is not intended as a substitute for the lawmaking power it is intended to supplement the lawmaking power and to supply the deficiencies and delinquencies which the people's chosen representatives sometimes exhibit in the State legislatures.

During the course of the brilliant speech of the Senator from Texas, he stated that frequently a large percentage of the voters do not go to the polls, and therefore do not vote upon constitutional amendments, referred laws, and measures proposed by initiative petition. Mr. President, admitting for the sake of argument that this criticism is apt and just, I ask, Where will relief be found? Certainly not in the Senate, for here we have, when all the States are represented, 96 Senators, each paid a salary of \$7,500 per year to remain here and vote upon measures, yet sometimes we find that we are without a quorum, and frequently legislation is determined by a vote as low as 30 per cent of the entire membership of the Senate, with only 55 per cent, 60 per cent, or 70 per cent of the membership of the Senate voting on the measure. In other words, a close investigation will disclose that there is as large a percentage of the Senators not voting on various questions as there is percentage of voters in a State who fail or decline to vote upon constitutional amendments, referred laws, or measures proposed by initiative. I have at some labor investigated the Record, and find that during the second session of the Sixty-second Congress

there was an astonishingly large percentage of nonvoting Senators, so that the argument that the people do not vote under the initiative and referendum must fall to the ground when it is remembered that the percentage of persons not voting is no greater than the percentage of the Senators who are absent or paired, and who therefore do not vote, and I shall here read into the Record a list of various roll calls showing the percentage of Senators not voting. The list is as follows:

April 26, 1912. Being a bill (S. 2234) to provide for primary nominating election for presidential candidates in District of Columbia. Yeas, 23; nays, 18; not voting, 54.

Less than quorum voted. Only 45 per cent of the membership voted on this bill.

March 19, 1912. Amendment to increase salaries of Commissioners of the District of Columbia. Yeas, 36; nays, 13; not voting, 42.

Only 42 per cent of the membership of the Senate voted on this amendment. Carried by 38 per cent of the membership.

March 19, 1912. Amendment relating to disposition of fees collected for permits in District of Columbia. Yeas, 35; nays, 13; not voting, 43.

Only 53 per cent of the membership voted on this amendment. Passed by vote of 38 per cent of membership.

May 31, 1912. H. R. 18960. Conference report on Agriculture Department appropriation bill.

Yeas 27, nays 36, not voting 32.

Only 66 per cent of the membership of the Senate voted on this report.

Rejected by 38 per cent of membership.

August 14, 1912. A bill (H. R. 25034) to reduce the duty on cotton.

Mr. LA FOLLETTE'S amendment:

Yeas 14, nays 46, not voting 34.

Only 64 per cent of membership voted on this amendment.

Defeated by 48 per cent of membership of Senate.

August 14, 1912. Mr. OLIVER'S amendment:

Yeas 29, nays 31, not voting 34.

Only 64 per cent of membership voted on this amendment.

Rejected by 33 per cent of membership of Senate.

August 14, 1912. Mr. KENYON'S amendment:

Yeas 51, nays 9, not voting 34.

Only 64 per cent of membership voted on this amendment.

Carried by 54 per cent of membership.

August 14, 1912. On passage of bill:

Yeas 36, nays 19, not voting 39.

Only 59 per cent of membership voted on this bill.

Passed by 38 per cent of membership.

January 31, 1912. A bill (S. 252) to establish a children's bureau;

Overman substitute:

Yeas 30, nays 46, not voting 15.

Only 84 per cent of membership voted on this substitute.

Defeated by 48 per cent of membership of Senate.

January 31, 1912. Mr. THORNTON'S amendment:

Yeas 30, nays 42, not voting 19.

Only 80 per cent of membership voted on this amendment.

Rejected by 46 per cent of membership.

January 31, 1912. Mr. CULBERSON'S amendment:

Yeas 39, nays 34, not voting 18.

Only 73 per cent of membership of Senate voted on this amendment.

Passed by vote of 41 per cent of membership.

On the passage of the bill:

Yeas 54, nays 20, not voting 17.

Eighty-two per cent of membership voted on the bill.

Passed by 57 per cent of membership.

July 31, 1912. A bill (S. 4862) to investigate certain accounts growing out of construction of Corbett Tunnel, Wyo.; over veto:

Yeas 42, nays 17, not voting 35.

Only 63 per cent of membership voted on this bill.

Passed by a vote of 45 per cent of membership.

July 2, 1912. A bill (H. R. 20182) to fix duty on chemicals. Amend-

ment:

Yeas 35, nays 0, not voting 59.

Only 37 per cent of membership of Senate voted on this amendment.

Passed by 37 per cent of membership.

July 3, 1912. An amendment to:

Yeas 58, nays 0, not voting 36.

Only 65 per cent of membership of Senate voted on amendment.

Passed by 65 per cent of the membership of Senate.

July 3, 1912. On passage of bill:

Yeas 27, nays 32, not voting 35.

Only 63 per cent of membership voted on bill.

Defeated by vote of 34 per cent of membership.

April 11, 1912. H. R. 18956, Army appropriation bill. Vote on

amendment:

Yeas 47, nays 6, not voting 42.

Only 56 per cent of the membership of the Senate voted on this

amendment.

Carried by 40 per cent of membership.

June 10, 1912. On conference report:

Yeas 27, nays 24, not voting 43.

Only 51 per cent of membership of Senate voted on report.

Report was accepted by vote of 28 per cent of membership.

June 12, 1912. To reconsider:

Yeas 28, nays 29, not voting 37.

Only 61 per cent of membership voted on this measure.

Defeated by 29 per cent of membership.

May 20, 1912. A bill (S. 6864) to construct a railroad in Alaska:

Yeas 31, nays 23, not voting 41.

Only 60 per cent of the membership of the Senate voted on this bill.

The bill was passed by a vote of 32 per cent of the membership of the

Senate.

The system of direct legislation, commonly designated "the

initiative and referendum," has been in various ways and different

forums assailed as being opposed to a republican or repre-

sentative form of government, and many who argue against the

initiative and referendum take the position that there is only

one kind of republican form of government.

In discussing what was "a republican form of government"

the Supreme Court of the United States, through Mr. Chief

Justice Waite, in the case of *Minor v. Happersett* (21 Wall., 175), said, speaking of the guaranty clause of the Federal Constitution:

The guaranty is of a republican form of government. No particular government is designated as republican; neither is the exact form to be guaranteed in any manner especially designated. Here, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended.

And Mr. James Madison, in No. 43 of the *Federalist*, wrote as follows:

Whenever the States may choose to substitute other republican forms, they have a right to do so and to claim the Federal guaranty for the latter.

Thus we observe that the States may substitute other republican forms, and in doing so they do not forego the right to claim the Federal protection as to the substituted form; in other words, no particular form is prescribed.

The edition of 1785 of Dr. Johnson's *Dictionary* contains the following:

Republican (adjective). The placing of government in the hands of the people.

The 1791 edition of Walker's *Dictionary* contains the following:

Republican (adjective). Placing the government in the hands of the people.

Republican (substantive). One who thinks a commonwealth without monarchy the best government.

Charles Pinckney, who served in the Federal Constitutional Convention, in a speech on May 14, 1788, in the debates in the Legislature and in convention of the State of South Carolina on the adoption of the Federal Constitution, said:

We have been taught here to believe that all power of right belongs to the people; that it flows immediately from them, and is delegated to their officers for the public good; that our rulers are the servants of the people, amenable to their will, and created for their use. (See Elliott's *Debates*, vol. 4, p. 319.)

And in the same speech Mr. Pinckney, quoting Paley, a deacon of Carlisle (vol. 2, pp. 174-175), in enumerating the three principal forms of government, said:

A republic is where the people at large, either collectively or by representation, form the legislature. (See Elliott's *Debates*, vol. 4, p. 328.)

It might further illuminate the discussion as to what is a republican form of government by stating that under the now deposed "President" Diaz Mexico was republican as to form, but there was some difference of opinion as to whether it was republican in substance; but I only use this illustration to emphasize the fact that there are a number of different forms of republican government.

In the case of *Chisholm v. Georgia* (2 Dallas, U. S., p. 419 et seq.) the judges delivered their opinions seriatim, and Mr. Justice James Wilson said:

As a citizen I know the government of that State (the State of Georgia) to be republican, and my short definition of such a government is one constructed on this principle, that the supreme power resides in the body of the people. (See p. 453 et seq.)

This opinion was announced in 1793, and only six years after the drafting of the Federal Constitution, and it may be considered at least as a contemporaneous definition of the phrase "republican form of government"; and no authority, not even Alexander Hamilton or James Madison could be followed with more safety than this eminent James Wilson, the same James Wilson who in the Constitutional Convention of 1787 advocated the election of Senators by direct vote of the people. This same James Wilson was one of the great lawyers of his day, and became one of the most illustrious judges of the Supreme Court of the United States for under the judiciary act passed by Congress in 1789 President Washington appointed him as one of the Associate Justices of the Supreme Court, naming also as Associate Justices John Rutledge, William Cushing, John Blair, and James Iredell, naming John Jay, of New York, as Chief Justice; and I might digress to say that this same James Wilson, with that loyalty to the public interest, that devotion to duty which characterized him and many others of his type, lost his life while traveling in the southern circuit where he was assisting Judge Iredell in the work of Judge Iredell's circuit.

We should not forget that when this James Wilson stated that he knew the State of Georgia to be republican in form the constitution of Georgia contained an "initiative" provision in a form as pure as the initiative may be found in any of the States to-day. Indeed, Mr. President, the constitution of that State provided as follows:

ART. 63. No alteration shall be made in this constitution without petition from a majority of the counties, and the petitions from each county to be signed by a majority of the voters in each county within the State, at which time the assembly shall order a convention to be assembled for that purpose, specifying the alterations to be made according to the petitions preferred to the assembly by the majority of counties as aforesaid.

Mr. President, there is only one forum which has the authority to determine whether or not there exists in those States which have the initiative and referendum a republican form of government. That forum is not the Supreme Court of the United States nor any other court, and this has been settled by a line of decisions so convincing that it would seem idle to discuss the question. In every case, so far as I am informed, the Federal authorities, including the Supreme Court of the United States, have treated this question as a political one.

In the case of *Luther v. Borden* (7 How., 1), where the question was raised on the so-called charter government, or so-called Dorr rebellion, it was contended that there did not exist in Rhode Island a republican form of government, and the court said:

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and, on the application of the legislature or of the executive (when the legislature can not be convened), against domestic violence.

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union the authority of the government under which they are appointed as well as its republican character is recognized by the proper constitutional authority. And its decision is binding on every other department of the Government and could not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue, and as no senators or representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there and not in the courts. (See p. 42.)

In the case of *Texas v. White* (7 Wall. U. S., 700-730) and the case of *Taylor v. Beckham* (178 U. S., 548) the question in both cases as to whether any government set up in a State was republican was held to be a political rather than a judicial question.

In the case of *Minor v. Happersett* (21 Wall., 162), at pages 175 and 176, the court, considering the question of a republican form of government, said:

The guaranty is of a republican form of government. No particular government is designated as republican, neither is the exact form to be guaranteed, in any manner especially designated. Here, as in the other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended.

The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had government when the Constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution.

A part of the "unmistakable" evidence which the court had before it when that decision was rendered must have been judicial notice of the initiative provision in the constitution of the State of Georgia adopted in 1777.

The latest expression of the Supreme Court of the United States upon this question is the famous case commonly known as the Oregon case, wherein the plaintiff in error contended that the "initiative" was in contravention of a republican form of government. (*Pacific States Telephone & Telegraph Co. v. Oregon*, reported in 223 U. S. Rept., p. 118 et seq.) Mr. Chief Justice White, delivering the opinion of the court, said:

We premise by saying that while the controversy which this record presents is of much importance it is not novel. It is important, since it calls upon us to decide whether it is the duty of courts or the province of Congress to determine when a State has ceased to be republican in form and to enforce the guaranty of the Constitution on that subject. It is not novel, as that question has long since been determined by this court conformably to the practice of the Government from the beginning to be political in character and therefore not cognizable by the judicial power, but solely committed by the Constitution to the judgment of Congress.

As the issues presented, in their very essence, are and have long since by this court been definitely determined to be political and governmental and embraced within the scope of the powers conferred upon Congress and not therefore within the reach of judicial power, it follows that the case presented is not within our jurisdiction, and the writ of error must therefore be, and it is, dismissed for want of jurisdiction.

Of course all candid and well-informed persons will admit that the Federal constitutional convention of 1787 provided for national representative government, but it does not follow that the delegates in their debates committed themselves to the idea that there is only one kind of republican form of government. Senators and Representatives from various States which have adopted the system of direct legislation designated as the "initiative and referendum" have been admitted into the Congress of the United States and occupy seats in the Senate and House of Representatives. Thus the only forum known to our Constitution, laws, and institutions possessing power and

jurisdiction to pass upon the question as to whether or not the initiative and referendum constitute a republican form of government has determined that question in the affirmative, for surely Congress would not admit Representatives or Senators into the councils of the Nation from political subdivisions not republican in form.

Mr. President, I ask permission at this point to insert in the RECORD as part of my remarks an excerpt from the able brief of Hon. George Fred Williams, counsel for the States of California, Arkansas, Colorado, South Dakota, and Nebraska, and of counsel for the State of Oregon, which brief Mr. Williams filed in the Supreme Court of the United States in the case of *The Pacific States Telephone & Telegraph Co. against Oregon*, reported in Two hundred and twenty-third United States Reports, pages 118 et seq.

The PRESIDENT pro tempore. Without objection, leave is granted.

The excerpt is as follows:

THE DEMAND FOR THE SYSTEM.
IMPERFECT POLITICAL CONDITIONS.

It is apparent that our country is in a condition of reaction against the control of privilege as powerful as that of France in 1792, or England in 1838, or Switzerland in 1848.

In France the Republic was created, in England parliamentary government became a reality, and in Switzerland the Union of States was perfected; here we are perfecting our democracy. The present movement constitutes the most momentous political revolution in our history, conducted without bloodshed and even without acrimonious political contests. It is a movement economic in its nature and, accordingly, steady and irresistible. Its objects are political and it moves on like a tidal wave, which legislatures and courts can not halt.

The causes of this movement are apparent. Political organizations have not been responsive to the popular will. The effort to obtain good government by the selection of "good men" has failed. Legislators have become the people's masters in the exercise of unlimited power. Party platforms are not regarded as pledges. The people are unable to trust their servants. A power has developed which dominates politicians, parties, and public servants. Evidences of repeating, bribery, corruption, and perversion of delegates, representatives, and officials in cities and States have persisted, and even the judiciary has at times been found subject to influences hostile to the people's interests. The average citizen has abandoned efforts to regulate party machinery and to participate in party caucuses.

The new political movement aims to clear the avenues between the people and their institutions.

The perversion of party caucuses has been met by the plan of direct nomination of candidates at the polls. Even the direct nomination of delegates to presidential conventions is being accepted; repeated scandals and notorious corruption of legislatures in the election of United States Senators have caused two-thirds of the States to devise methods of circumventing the constitutional method of election by the legislatures, and it is probable that in the immediate future the National Constitution will be amended to secure direct election of Senators by the people.

The numerous laws of States for the prevention of corrupt practices and the limitation of campaign expenditures have been supplemented by national legislation, which is probably but the beginning of drastic enactments to maintain the purity of elections.

FAILURES OF THE LEGISLATIVE SYSTEM.

The founders of the Republic dreaded the power of the Executive. Patrick Henry inveighed against it. Jefferson insisted with impassioned force that the Republic would fall through the usurpation of power by the judicial department.

Prophecy takes a hard test by the light of experience. All fear of the Executive has ceased after more than a century of trial. For the first time the judiciary has become the subject of apprehension in the last few years.

But it is the legislative department that has proved the weakest of the departments of state. The people are strengthening this branch of democratic government by applying more democracy.

The sovereignty is being placed in practice where it exists in theory, with the people; the instrument is direct legislation.

In adopting this system there have been no interferences with the regular operations of the customary legislative machinery. Representative government remains, but its products are no longer beyond popular reach. Vicious and corrupted acts can no longer be fastened upon the people against the will of the majority.

Experience has proven that it is not safe to trust delegates with unlimited power to make laws, and the question presented in this case is whether there remains in the people the power to apply controlling influences to them.

The history of this year's legislation furnishes a long list of broken pledges.

The governors of Colorado, New York, and New Hampshire have publicly denounced the legislatures of their States for failure to redeem the direct promises of party platforms.

Gov. Shafroth, of Colorado, declared that in the longest legislative session in 30 years not a pledge has been redeemed.

In Maine a direct primary act was refused by the legislature, and at the polls, under the "initiative" amendment of the constitution, the measure was adopted by a vote of 55,840 yeas to 17,751 nays.

In 1902, under a law permitting an expression of public opinion at the polls, the people of Illinois favored by a vote of 428,000 to 87,000 a constitutional amendment providing the initiative and referendum. The legislatures for eight years took no action. In 1910 the people again made the demand by vote of 447,908 yeas to 128,398 nays. All the political platforms indorsed it. The legislature this year has refused to pass the measure.

Even in England faith in parliamentary government has been shaken. Mr. Lecky says:

"A growing distrust and contempt for representative bodies has been one of the most characteristic features of the closing years of the nineteenth century." (*Democracy v. Liberty*, I, pp. 142-143.)

Mr. Dicey remarks: "Faith in parliaments has undergone an eclipse." (13 *Harvard Law Rev.*, 73-74.)

Gov. Woodrow Wilson has described the political situation as follows: "Many of the old formulas of our business and of our politics have been outgrown. We still revere 'representative government,' but we are forced to admit that the governments we actually have have been deprived of their representative character. They do not represent us. They are filtered too fine through the sieve of secret caucuses and other machine processes; there are too many conventions preceded by too many private conferences between us and the persons through whom we legislate and conduct our governments.

"We, the people, have not free access enough to our own agents or direct enough control over them. We mean by one change or another to make our governments genuinely popular and representative again. We are cutting away anomalies, not institutions." (*Boston Common*, May 13, 1911.)

Such are the failures and scandals which have created distrust in parties and legislatures and caused the people to secure direct control of their political machinery, their officials and legislative bodies through direct primaries, elections, and legislation.

States and governments were made for man; and at the same time how true it is that His creatures and servants have first deceived, next villified, and at last oppressed their Master and Maker. (Mr. Justice Wilson, in *Chisholm v. Georgia*, 2 Dal., 455.)

THE RECALL.

Mr. ASHURST. Mr. President, in discussing the recall, I must not be understood as making an assault upon the Supreme Court of the United States. I venerate that great court. Its judgments and decrees prove that it realizes the tremendous changes in political and economic conditions and that the present is a dynamic, not a static, condition of society. We hear frequent criticisms of the judiciary, but those criticisms are directed toward the inferior Federal judges.

Judges are very like the rest of human beings; they are as easily swayed by passion as are other men; some of them are as vain, as ambitious, and as subject to flattery as any other class of men. Their learning, virtue, integrity, and morality are no higher than that of the profession from which they are exclusively chosen—the legal profession.

There are good judges and bad judges, and the people may always be relied upon to exercise the power of recall wisely and judiciously. The people would never vote to recall a judge merely because of his rendering an unpopular decision, nor for reversing or affirming any decision, unless such decision or judgment were procured by corruption or bribery. With remarkable precision the public sees through the guises and disguises of the judge whose decisions are discolored by improper influence, by favoritism, or by bribery.

The recall would in no manner lessen the independence of a judge and the intemperate criticism or abuse of a judge by litigants, suitors, and attorneys temporarily disappointed over the loss of a case pending before the court would evoke no sympathy nor encouragement from the voters, while unfounded, unfair, unjust, or untrue charges or criticisms would strengthen the judge.

None of the Federal judges is elected by the people; none is removable by the people. Hence those judges who are incompetent or unworthy have yielded to temptation; the weak and needy have fallen, for the mere fact that a man has been appointed as a Federal judge seldom transforms his nature.

The Federal judiciary in America has grown to be the most powerful institution in our Government. More than any other agency it is in a position to promote or retard the advancement and true progress of the people.

There exists to-day a widespread belief that some of our superior Federal courts are havens of refuge for lawbreaking corporations and favor-seeking "interests."

Many factors have contributed to this belief, chief of which is the method of selecting a Federal judge, supplemented with the fact that he is to a great degree subjected to certain insidious social influences and environments, and is thrown almost exclusively into the company of opulent men whose views he, perhaps unconsciously, adopts and acts upon.

The people are losing faith in the inferior Federal judges, and the chief excellence of the recall is that it would restore the people's confidence in these judges.

Mr. President, I ask permission at this point to incorporate into the RECORD as a part of my remarks an excerpt from *La Follette's Weekly Magazine* of November 23, 1912, entitled "The Arizona Spirit," which is as follows:

THE ARIZONA SPIRIT.

Besides giving women an equal voice in government with men, the new State of Arizona distinguished itself in the recent election by restoring to its constitution the provision for the recall of judges.

Thus is ended an interesting chapter in the present movement toward more complete self-government in State and Nation.

It was in October, 1910, that the constitutional convention of the Territory of Arizona wrote into the constitution, with which it planned to set out upon its career of statehood, the provision for the recall of all elective officers, including judges. This constitution was decisively approved by the voters at the polls.

Then the question of admitting Arizona to statehood came before Congress. A contest arose. Foes of the judicial recall wanted to force all mention of this "heresy" out of the Arizona constitution. Friends of the recall, reinforced by others who were not convinced of its wisdom but nevertheless unwilling to deny the people of this Common-

wealth the right to determine for themselves the kind of government they wanted, fought against striking out the recall provision. A compromise was reached whereby Arizona was to be required to vote once more upon this matter of applying the recall to judges. But on August 15, 1911, President Taft vetoed this proposal. He vigorously denounced the recall of judges, and declared, "I must disapprove a constitution containing it."

So, as the price of statehood, Arizona was compelled to strike this provision out of her constitution.

This the voters did in the election of December 12, 1911, but with the openly expressed determination to put the judicial recall back into her fundamental law as soon as possible.

And in the recent election, on November 5, they did so.

The voters of Arizona have again asserted a fine spirit of independence which will in the end transform all her institutions into instruments for maintaining full and complete self-government.

It is well for Arizona to have the recall of judges in her constitution if her people want it. It is even better for Arizona to manifest so dogged a determination to rule herself.

I am in no humor this afternoon to throw bouquets, but I will pause long enough to say—and I see the publisher of that magazine honors me with a hearing—that Democrats and Republicans will not spend their time unprofitably in reading that magazine.

It is well known, of course, that President Taft objected to the recall feature of the Arizona constitution—placed his opinion above and against opinions of the people of Arizona and against the opinions of the men who in the constitutional convention represented the people of Arizona, deliberated upon and decided what the organic law of the State of Arizona should be. The convention which framed the Arizona constitution, which has been such a storm center, but has lighted the way toward a larger liberty for the people even of the older and more populous States, is well worth considering. The result of the convention's labor affords reliable means of judging the qualifications of its members, but the following data will be found interesting:

A former Boston man, a graduate of Harvard University, namely, Hon. M. G. Cunniff, now president of the State senate of the legislative assembly of the State, was the chairman in the convention of the committee on revision, style, and compilation. With Mr. Cunniff on this committee were four other gentlemen, holders of the degree of bachelor of arts, and there were many other learned men in that body. It was said that there were no leaders in the convention, and that was true, for each man had a strong, vigorous mind and did not need any leadership. The sovereignty of his citizenship, his education, and experience, which come soon in the great Southwest, were sufficient leadership for him. Moreover, a large majority of the delegates were instructed by the voters as to the kind of constitution the people wished, and the delegates so instructed regarded themselves as bound in conscience and in honor to carry out the solemn mandate of the people. Of the 52 delegates it is interesting to note that they come from 19 different walks in life, as follows:

There were:

Lawyers	14
Miner	1
Railroad switchman	1
Locomotive engineer	1
Civil engineers	2
Stockmen	7
Clergyman	1
Physicians	2
Mine operator	1
Bankers	1
Retired capitalist	4
Machinists	2
Merchants	5
Traffic expert	1
Farmers	5
Newspaper man	1
Plumber	1
Butcher	1
Accountant	1

Total..... 52

All of the members of the convention were taxpayers.

Thirty per cent of the convention were college men, and every member possessed a wealth of information and practical experience gathered in that romantic land so near to nature's heart. Three were native-born Arizonans; five were foreign born. The foreign born were:

Mexico	1
Canada	1
Germany	1
Honolulu	1
England	1

Total..... 5

And the various States of the Union were represented as follows:

Alabama	3
Kentucky	2
New York	3
Illinois	6
Georgia	1

Indiana	1
Texas	3
Massachusetts	2
Vermont	2
Ohio	5
Michigan	3
Missouri	2
Virginia	2
Pennsylvania	1
North Carolina	1
Tennessee	1
Maryland	1
Oregon	1
Utah	1
Colorado	1
California	1
Kansas	1

Total..... 52

The five foreign born all were of English descent. The average age of the members was 44 years, and the average number of years they had resided in Arizona was 19.

While the convention was, in every sense of the word, a deliberative body, the members did not use language as did Talleyrand—to conceal thought, but they used language to express thought. Moreover, in the debates they did not balance each sentence with the stupid caution that characterizes passive intellectualism; nor did they immerse every sentence in a tank of diplomatic antiseptic before they allowed it utterance, as we do here.

Mr. President, I now ask unanimous consent that I may include in the RECORD as Appendices A, B, and C, being, respectively, copy of a letter to the public which other citizens of Arizona and I addressed to the people of Arizona upon the subject of the initiative and referendum, also copy of a letter addressed by me to the constitutional convention of the State of Arizona, and also a copy of an address delivered by me on March 27, 1912, to both houses of the Legislature of the State of Arizona upon the occasion of their assembly in joint session to ratify my election to the United States Senate.

The PRESIDENT pro tempore. Without objection, leave is granted.

[The matter referred to will be found in the appendices.]

Mr. ASHURST. Mr. President, many statesmen, publicists, and editors frequently make the observation that we are now living in an era of widespread dissatisfaction, unrest, and searching criticism. It is fortunate for our country that their observations are not wholly inaccurate and the complaint not wholly unfounded, for smug contentment is a corrosive effluent, deadly to the progress, advancement, and happiness of a nation. A people free from the exigencies of life lose their keen incentive to improvement; moreover the present conditions of unrest are only waves from the ocean of the great democratic movement which ultimately will reach all the shores of the world.

From the very dawn of history, from the beginning of the human family down to the present time, the tendency of the human race has been toward liberty—mankind reaching out for freedom and immeasurably attaining it.

For the purposes of these remarks when I use the word "liberty" I must be understood as meaning "liberty under the law," for according to my view liberty is the result of law and not the absence of law, as some persons erroneously suppose, and I shall use the word "liberty," for the purposes of this speech, as an antonym of the words "serfdom," "oppression," "servitude," "captivity," "slavery," "injustice," and "inhumanity."

Civilizations were built up in ancient times, notably in Rome and Greece, and it is a singular fact that in the civilizations of those ancient times it occurred to but few of the greatest men and profoundest thinkers that all people had equal natural rights. The fight of mankind for liberty and advancement in one respect has been peculiar, in that at no time, so far as we know, was the movement ever completely arrested.

I could descant upon numerous instances in the history of the world where great men and great women made heroic sacrifices in behalf of human liberty, but the field is too wide in its scope for copious references to individuals, hence eras and movements only may be considered within the limits of this address.

When the world emerged from the darkness of the middle ages the year A. D. 1492 was strangely propitious in heralding the dawn of a glorious epoch, for not only was America discovered in that year by Columbus but that same year beheld Bonddil, the last of the Moorish sultans, come forth from the Alhambra and yield up the famous city of Granada, a favorite seat and stronghold of Moorish power, to Ferdinand and Isabella. The expulsion of the Moors from Spain and the discovery of this continent gave birth to an amazing awakening, for soon the stories of the voyages of Columbus and the discoveries of

Cortez, Coronado, Drake, the Cabots, Frobisher, Hawkins, and Raleigh kindled the theretofore apparently dormant imagination of men. These discoveries doubled the earth, and ships of conquest, adventure, glory, and science began to cut through the billows of every sea. The expanse and magnificence of this new physical world thus opened to mankind had, as such things always have, its beneficent influence upon human character and the trend of the world's events, for mental and moral evolution and growth flow from a contemplation of the external charms of nature, and they always excite a lively and intense interest in human existence.

Seventy-two years after the discovery of America began the Shakespearean age, a period during which liberty, progress, and civilization made forward strides; and when Shakespeare's works were published it was ascertained that his writings, in addition to delighting and glorifying the intellectual world, also evoked remarkably strong patriotic and liberty-loving sentiments. For instance, in the play of Julius Caesar, he made one of his characters to say:

So every bondman in his own hand bears the power to cancel his captivity.

Years later the noble rhetoric and inescapable logic of John Milton and the bitter satires of Jonathan Swift, in his newspaper called the Examiner, published in 1710, forced the abolition of the censorship over the press, which was another forward step in securing a larger liberty for the people. The past 150 years, however, has been an age during which liberty has advanced to a greater degree than in any other equal number of years in the world's history.

In 1775 the population of the American Colonies numbered approximately 3,000,000 and was principally composed of the descendants of those persons who had emigrated hither to enjoy freedom of conscience, thought, and worship. They lived along that strip of land which fringes the Atlantic coast, stretching from Florida to Maine. In their veins was the blood of the Saarsfields and the Calverts, of John Hampden, who arraigned his King for the unconstitutional exactions of ship money; the blood of the Irish, whose ardent zeal for and affectionate attachment to liberty and freedom, and whose loyalty and devotion to free government no power can ever crush; the blood of the stubborn Britisher; the Huguenots, the sturdy Scotch, Welsh, Dutch, Scandinavians, the German, and last, but by no means least, the Jew, who has contributed to the progress, glory, and strength of every civilization.

These various families of men, transplanted to this new soil, and welded together by events and years, became the bravest race that ever lived. Their spirit evolved the Declaration of Independence, written by Thomas Jefferson, that contemplative lover of mankind; and on the committee with him were Roger Sherman, John Adams, R. R. Livingston, and Dr. Benjamin Franklin, whose capacious brain could contain both lightning rods and constitutions.

These brave people cried out, "A curse upon the rule of kingly government and a blessing upon the newborn Republic!" and with their bayonets wrote another charter of American liberty on the backs of the fleeing soldiers of Gen. John Burgoyne and Lord Cornwallis. England then caught somewhat the spirit of liberty and "made good the declaration of her great Lord Mansfield that 'no slave could breathe her free air,' and thus in all her world-encircling possessions, from the Pillars of Hercules to the Indus, the fetters dropped from the limbs of every English bondman whose ear could catch the music of her drumbeats," so the present contest of the people in behalf of a larger measure of freedom is not a spasm. It is not a pulsation nor a leap nor a jerk nor a sudden start. It is simply part and parcel of the resistless advance of progress which can not be stopped or stayed. The movement is seemingly more pronounced at this particular time, because the facilities for communication afforded by the telephone, the telegraph, and the newspapers are easier than they have ever been before, the facilities for acquiring knowledge are greater, and for the further reason that men who sternly stand for national progress in times of peace are now recognized to be patriots as truly as those who upon the battle field fight for national safety.

In criticizing or discussing a "reactionary," a "stationary," or a "standpatter" it is unjust and unfair to apply opprobrious epithets to him. He is simply unfortunate, for he has either misread or failed to read the history of the world. Almost everything that has ever been proposed for the benefit of the people or for their increased liberty has been stubbornly opposed by reactionaries. Every world-important invention, whether it be a ponderous engine or an ingenious electrical contrivance, was ridiculed and opposed. Every discovery in science has been ridiculed by the reactionary. "Galileo was denounced and imprisoned for asserting, in accordance with the theory of

Copernicus, that the sun was the center of the planetary system and that the earth had a diurnal motion of rotation. In both science and government many people prefer to remain static and undisturbed and naturally resent any interference with their settled beliefs. They look with suspicion upon innovations, new suggestions, and ideas as, in their opinion will interfere in any manner with their present interests." (See S. Doc. No. 438, 56th Cong., 1st sess.)

Hence their tendency to remain in the old ruts, violently oppose improvements or changes, and denounce inventors as cranks and progressives as demagogues. The stubborn opposition of the standpatter and reactionary in invention and government passes all understanding, and the singularly sad feature of it is that many of these inventions and reforms in government and economics have been opposed by truly great men.

Chancellor Livingston, one of the learned men of the State of New York, ridiculed the idea of a railroad in the United States, and stated it was his belief that if a moving body as heavy as a train of cars should ever get started the momentum would be so great that it would fly several miles beyond its destination before it could be stopped, and that no sensible person would risk his life by flying through the air at the rate of 12 or 15 miles per hour. When Murdock invented the means by which illuminating gas could be produced, the great Sir Humphrey Davy and Sir Walter Scott ridiculed the idea of its being put into practical use.

Daniel Webster, the expounder of the Constitution, expressed the gravest doubts as to the advisability of railroads, and said in public speech that the frost on the rails would prevent the train from moving or prevent the train from being stopped if it ever got started. (See S. Doc. No. 438, 56th Cong., 1st sess.) Every useful thing has been opposed in its day and generation.

Lord Macaulay once said:

Not only in politics, but in literature, in art, in science, in surgery and mechanics, in navigation and agriculture—nay, even in mathematics—we find this distinction. Everywhere there is a class of men who cling with fondness to whatever is ancient and who, even when convinced by overpowering reasons that innovation would be beneficial, consent to it with many misgivings and forebodings. We find also everywhere another class of men, sanguine in hope, bold in speculation, always pressing forward, quick to discern the imperfections of whatever exists, disposed to think lightly of the risks and inconveniences which attend improvements, and disposed to give every change credit for being an improvement. In the sentiments of both classes there is something to approve. But of both the best specimens will be found not far from the common frontier. The extreme section of one class consists of bigoted dotards; the extreme section of the other consists of shallow and reckless empirics.

Lloyd-George, one of the strongest statesmen of the day, in supporting his bill, noted that the public-school system when first inaugurated in America created a widespread protest from taxpayers similar to the present protests in England against the insurance bill.

The struggle for social justice for the people who perform physical labor has been even greater and more stubbornly resisted. As late as the year 1800 men were severely punished in England for organizing guilds or labor unions, and the condition of the working class was little better than that of slaves. It was not until 1875, in England, that the laws against the trades-unions were repealed. In the early days of our own Government nearly all the work was performed either by slaves or indentured servants, and wages amounted to an average of \$1 per day. Heartless writers referred to the laboring classes as the "living machines which wealth possesses."

When Eli Moore, the first member of a labor union to be elected to the Congress of the United States, was about to take his seat in the Twenty-fourth Congress there was a movement set on foot to try to prevent his being seated. Contumely, scorn, and derision were heaped upon him by the reactionaries of that day, who believed that the liberties of the Republic were in danger because a member of the labor union had been elected to Congress. But the stubborn courage of Eli Moore, his superlative eloquence, biting sarcasm, and wonderfully piercing analysis convinced the Nation that no mistake had been made in sending a member of a labor union to Congress, and so strikingly did this journeyman printer, this organizer of labor unions, this so-called "agitator" and "demagogue" distinguish himself for patriotism, learning, and ability, that he became a confidential adviser of the administration of President James K. Polk. I mention these circumstances so that those who are supporting this contest in behalf of a larger human liberty will not become discouraged, but will become encouraged, when they reflect how much more intensely heated was the opposition to these reforms in the days gone by. He is wasting his time who believes he can stop or stay these forward movements in their progress. The movement, especially in behalf of those who perform physical labor, for a greater share of freedom, for the right to enjoy a part of the creation of their hands and of their

own toil, will inevitably live, for it is as broad based as the world itself and as deep as humanity.

Independent voting is now a protest against the machine politician in public affairs, and the great power of the people has written itself in much advanced legislation in the past few years, for we have restricted illegal combinations of capital and we are now engaged in the struggle to conserve the natural rights of men and women.

There is a growing sentiment against private ownership of public utilities, and the people demand the right to elect United States Senators by popular vote. Markets and the mere piling up of yellow metal are beginning to be a secondary consideration. There is something more in the world than food and raiment. "Man can not live by bread alone." Hence natural justice demands that the labor of men and women shall be rewarded not only with sufficient food, clothing, and shelter, but also with independence, books, paintings, music, and flowers; with leisure time to spend with the family; with leisure time within which to cultivate the idealistic, æsthetic, and spiritual side of life; for, as R. D. Owen once well said, "There is a corner even in our workaday souls where the ideal lurks."

We are now realizing that the lawbreaker is a human being, and that the lash, the horrors of subterranean dungeons, starvation, and other evidences of vengeance are of no avail. Under the old system—

the man went crushed in spirit, broken in body, hopeless in soul, to the grim confines of the penitentiary, perhaps to emerge a marked man, branded with society's scarlet scar of disgrace, a hunted and hated thing forever after, or perhaps never again to come forth, but wasting away in want and discomfort, doomed to die the death of a neglected outcast.

Under the Arizona system, with the wise, humane, and Christian treatment instituted by Gov. Hunt, the erring brother will emerge from prison reclaimed instead of ruined.

The great lesson yet to be learned by nations is the lesson of distribution. The earth can produce a hundred thousand times as much as is required for the comfort, convenience, and luxury of those who live upon it, and it might as well be understood here and now as elsewhere that this question of distribution of commodities must be settled, and it is not to be settled by a little timely patting on the back. It is not wise, it is not statesmanlike, to kick down the thermometer because it registers hot or cold weather not to our comfort. It is not wise, it is not statesmanlike, to destroy the barometer because it registers a coming storm. The heaping of all the wealth in the hands of the few, the unlawful speculations and gambling in food prices, have the effect of increasing the cost of living to a shocking degree. The heaping of all wealth in the hands of the few has the effect of reducing the multitude to poverty. With all our great wealth, the figure of want stalks amongst us, and thousands each year are destroyed by the Moloch of poverty. In New York City on December 17, 1912, a distinguished American statesman delivered an address and made use of the following words:

God knows the poor suffer enough in this country. We must move for the emancipation of the poor, and that emancipation will not come without our own emancipation from the error of our mind as to what constitutes prosperity.

Prosperity does not exist for a nation unless it pervades it. And the amount of wealth in a nation is much less important than the accessibility of the wealth. The more people you make it accessible to the more energy you call forth.

Mr. President, nothing wiser, truer, or more profound has been uttered recently, and I need not inform the Senate who made that statement, for Senators will perceive at once from the beauty of its diction and the correctness of its philosophy that it is the statement of Gov. Woodrow Wilson.

Gen. Knox, one of the first if not the first man who called George Washington "the Father of his Country," said in one of his reports as Secretary of War to President Washington:

It is the wisdom of political establishments to make the wealth of individuals subservient to the general good and not to suffer it to corrupt or attain undue indulgence.

Writing further, he said that—

Certain people solicitous to be exonerated from their proportion of public duty will exclaim against the proposed arrangement as an intolerable hardship but it ought to be thoroughly impressed that while wealth and society have their charms, they also have their indispensable obligations.

So, Mr. President, when we contemplate the infinite affluence and opulence of our Nation, and then remember that the eyes of millions of our countrymen "are sad with wakefulness and tears" because of the oppressions and hidden injustices caused by an improper and an unequal distribution of this wealth, when we see giant trusts, grasping combinations, and enmilled monopoly madly and wildly struggling for more millions we must admit that the noblest service in which the public man may engage, the most courageous service the patriot may perform, and the most useful work which the humanitarian may do is to try to apply a remedy. This reform is a part, and a

part only, of the great work yet to be done to insure complete liberty to all persons. That this evil will be abolished in the fullness of time let no one doubt, for Liberty has made her difficult but glorious way over thrones of tyrants, over injustice, over monarchs, and monopolies. She has been wounded at times, but has flown an eagle's flight, with "an eye that never winks and a wing that never tires." Her progress has sometimes been impeded by men who hold out delusive promises obviously incapable of fulfillment. Her progress has possibly been aided at times by cold and passionless conservatism, but aided much more by the ardent, fervent, and impetuous impulses of the human heart, for the spirit of liberty brooks no delay. She does not deal in diplomacy, policies, nor stratagems, nor does she deal with metaphysical subtleties. She is not proficient in the ignoble art of flattery.

The "conservative temperament" has rendered some service in advancing and preserving liberty under the law, but enthusiasm, enterprise, vehemence, experiment, and adventure have rendered services much more valuable, as they are the attributes that have carried the standards of progress and human happiness into the domain of ignorance, superstition, and injustice, and the noble enthusiasm of men and women of humanitarian impulse will in the years—the centuries—to come carry the standards of liberty yet farther and higher until shall come that day—

When the war drums throb no longer and the battle flags are furled
In the parliament of man, the federation of the world.

That day when no more men shall be hewn down by the sword of war; that day when in all this earth there shall be found no people oppressed, when no longer shall men and women die in a land of plenty for want of bread, and all shall have "the right to live by no man's leave underneath the law."

I thank the Senate for its attention.

APPENDIX A.

Copy of open letter addressed to citizens of Arizona advocating the adoption of the initiative and referendum:

PRESCOTT, ARIZ., August 4, 1910.

To the people of Arizona:

The Republican Party, after many years of "paltering with us in a double sense, keeping the word of promise to our ear and breaking it to our hope," has finally passed an enabling act granting statehood to Arizona, provided, of course, her people make a constitution that will be suitable not to Arizona's people but to President Taft and Senator Aldrich.

The enabling act itself is unworthy of the Republican Party, for by the terms of the Beveridge enabling act every principle of home rule was trampled upon, every precedent violated, and every true man and woman in Arizona humiliated.

Passing for the present the gratuitous slight flung at Arizona by the Beveridge bill, it is timely to say that by the passage of this enabling act the people of Arizona are confronted with the gravest responsibility they have ever met. They are face to face with State building. They are to build a constitution for a giant Commonwealth, that will guard the southwest border of this Republic until the end of time. They must build a constitution not only for themselves but for their children and their children's children—a structure that will endure. In this situation it behooves us to act as men, not as politicians or "place hunters"; it behooves us to subordinate every personal ambition, for upon our correct action in building this constitution depends the everlasting success or misery of our people and of our posterity, and if we build a constitution guaranteeing equal rights to all men and special privileges to none we may rest assured that whatever woes betide our people they will with their sterling manhood and womanhood triumph over every difficulty and make the State of Arizona the glory of America, the admiration of all the world.

The paramount duty of Arizona's constitution builders will be to write into that constitution those simple, organic provisions that will enable the people to rule, and chiefest of these are the initiative and referendum.

It is true some people object to the initiative and referendum, but these objections vanish like a bubble when pierced with the sharp steel of truthful analysis and experience.

The initiative and referendum is in full force and effect in Oregon, Montana, and Oklahoma, and in effect in a modified form in Maine, Missouri, and South Dakota, and within the past 10 days Arkansas and Minnesota have declared for it.

The initiative gives the people the right to initiate or to introduce legislation, if perchance, as frequently happens, their representatives refuse to give expression to the people's wishes.

The referendum reserves to the people the power to veto, the right to "sit in judgment upon the acts of their representatives whenever a considerable number of voters desire to test public sentiment by a popular vote."

The initiative and referendum is the people's weapon, "that weapon that comes down as still as snowflakes fall upon the sod and executes a freeman's will as lightning does the voice of God."

The initiative and referendum allows the people to rule. The initiative and referendum will compel a legislature to enact laws the people want and it will cancel laws the people do not want.

Look about you and ascertain who are the enemies of the initiative and referendum.

Capitalistic greed (which cuts down, blasts, and withers the blossoming hopes of the honest toiler and small business man) denounces the initiative and referendum. The attorneys for the trusts and monopolies denounce the initiative and referendum.

But, say some, Why not depend entirely on the legislature to make our laws?

We say in reply: The trusts and monopolies and those seeking special privileges maintain lobbyists at the capitol, and these lobbyists, with the patience of the spider and the industry of the ant, strangle measures calculated for the good of the people. These lobbyists infest

the capitol and with a princely expense account, dispense hospitality, liberality, geniality, and favors; these lobbyists exude amiability and in presence and appearance are usually suave and urbane. They lavish praise and adulation upon this or that gullible legislator, and with scornful disdain refer to the honest and homely legislator as a "demagogue," thus, in the gay and giddy whirl of glittering things of the capitol, the legislator forgets his duty; but when the farmer, fresh from the farm, with the inspiration of the soil about him, which breathes the spirit of purity, of incarnate honesty and justice, goes to the ballot box, he casts his vote directly for or against a particular law, and he is uninfluenced by any consideration save the absolute justice and efficiency of the measure upon which he votes.

When the merchant, the miner, the railroader, the cowboy, the artisan, and the plain citizen goes to the polls under the initiative and referendum he acts as his own legislator and fearlessly casts his ballot according to the dictates of his own conscience for or against this or that particular law.

The constitution should provide for the enactment of a direct primary for the nomination of all officers. He who would go into public service must serve the public, not the system. He must serve his country, not special interests.

It is a fundamental principle of this Republic that each citizen shall have equal voice in the Government. To preserve his sovereign right to an equal share in the Government he must be assured an equal voice in naming his party ticket. The naming of men upon the party ticket is the naming of men who will make and enforce the laws. It not only settles the policy of the party, it determines the character of the Government, and the direct primary will abolish the "snap" caucus and the purchased proxies.

The constitution makers, however, must not attempt to make a constitution such as was desired by the late illustrious Titbat Tittlemouse, who wanted "a law giving everybody everything." In framing this constitution care should be taken to avoid placing legislation in the constitution. Legislation may safely be left to be enacted as changing conditions afterwards require.

The constitution should provide that it may be amended by a majority vote of the two houses of the legislature when ratified by the majority of the votes of the people "cast upon the amendment." Above all, pay no attention to molluscoids, milkops, jellyfish, spineless-cacti, peace-at-any-price, "anything-to-get-in" persons.

The constitutional convention will consist of 52 delegates.

Let us manfully make a constitution for Arizona and her people, manfully submit it to Congress and the President, and if it be not approved we shall at least maintain our self-respect and retain that noble peace of mind which always comes as the rich reward of courageous rectitude.

HENRY F. ASHURST.
N. A. VYNE.
J. E. RUSSELL.
P. W. O'SULLIVAN.
H. R. WOOD.
J. LAWLER.
J. J. SANDERS.

APPENDIX B.

Copy of letter from HENRY F. ASHURST, addressed to the constitutional convention of Arizona:

PRESCOTT, ARIZ., December 9, 1910.

Hon. George W. P. Hunt, President, and to the Members of the Constitutional Convention, Phoenix, Ariz.:

GENTLEMEN: I write simply to convey my congratulations to the constitutional convention. The Democrats have faithfully kept their pledges. The Democrats will leave a name remembered with expressions of good will in those places in Arizona which are the homes of those who believe in a "government of the people, for the people, and by the people." They have provided for the enactment of a direct primary for the nomination of all officers, thereby guaranteeing to each citizen an equal voice in the government and abolishing machine politics.

You have provided for the initiative and referendum, which will place into the hands of the people the power to protect themselves against the mistakes or indifference of their representatives in the legislature. Under the initiative and referendum it will always be possible for the people to demand a direct vote and to repeal a bad law which the legislature has enacted or to enact by direct vote a good measure which the legislature has refused to consider.

You have provided for the recall, which will enable the people to dismiss from the public service a representative whenever he shall cease to serve the public interest. Under the recall no official can hold his office in defiance of the will of the constituency whose commission he has dishonored.

No one, however, not even the most enthusiastic champion of the constitution which you have labored so assiduously to form, pretends that the instrument you have drafted will, as to each and every particular provision, meet with the entire approbation of all persons—unanimity in such cases is impossible; it does not exist even in the domain of imagination—consummation devoutly to be wished though it be; but you have drafted the most concise and progressive constitution ever offered to any people in the history of the Nation. You have been criticized by some of the public press, as is its right, and these criticisms, although severe, in my judgment, were not inspired by malice, but by misfortune, for his horoscope is indeed clouded by lamentable misfortune who fails to see that you have labored to make and have made a constitution for the people and not for the system, for public interest and not for special interest, and that you have taken care to see to it that United States Senators in the new State shall be chosen by election instead of by auction.

You will meet with the approbation and thanks of the people of Arizona for your labors, for, by your methods of continually discussing, sifting, and winnowing, you have pursued the path by which alone the truth may be found.

With impressions of respect and sentiments of esteem,

Yours, very truly,

HENRY F. ASHURST.

APPENDIX C.

Address of HENRY F. ASHURST to both houses of the Legislature of Arizona upon the occasion of their assembly in joint session to ratify his election as United States Senator, March 27, 1912:

Mr. President, Mr. Speaker, gentlemen of the legislature, ladies and gentlemen, I thank the people of Arizona for this high mark of their

confidence and esteem and I congratulate your honorable body upon the fidelity with which you have obeyed the mandate of the people.

I do not subscribe to the political philosophy of the celebrated Mr. Dooley, who said:

"A genuine statesman must be on his guard;

If he must have beliefs, not believe them too hard."

For myself I believe in popular government. The remedy for a half-way popular government is to give the people more power. A celebrated statesman once said to the Right Hon. William E. Gladstone:

"The people are not always right."

"No," replied Mr. Gladstone; "but they are very rarely wrong."

Thomas Jefferson once said:

"Always trust the people."

Henry VIII, the most cruel tyrant that ever sat upon the English throne, once said:

"Always watch the people."

It would be tiresome were I to describe in the limits of this address the details of the reforms that must come and that will come in the Nation, and in securing reforms I would especially urge that nothing be done in haste or in anger. We must remember that no wound ever healed except by slow degrees.

THE SENATE.

The United States Senate has been referred to as the Millionaires' Club, Bankers' Syndicate, and American House of Lords, and there is a widespread belief throughout the country that the Senate is a forum wherein monopoly and special privilege sit enthroned. There is, of course, a reason for this belief, and if such belief be well founded the time has arrived to apply a remedy. In considering this question it will be illuminating to advert to reasons for the creation of the Senate, as given by some of the members of the Federal Constitutional Convention.

This convention which wrote the Constitution of the United States sat behind closed doors; the votes were taken by States instead of by individuals, in order to prevent the people from charging the individual members with responsibility. No delegate was allowed to take notes, but, fortunately for posterity, James Madison (afterwards President) kept copious notes, in a system of his own shorthand, which were published after his death and the death of every member of the convention.

Gouverneur Morris, a member of this Constitutional Convention, said: "The Senate ought to be composed of men of great and established property. It should be composed of an aristocracy, to keep down a turbulent democracy."

And Gouverneur Morris was the very man who, as a member of the committee on style and revision, cunningly inserted weasel words into the Constitution to curb the power of the people.

In the same convention Elbridge Gerry said:

"The Senate ought to be constituted as to provide a check in favor of the commercial interests."

This same Gerry, in speaking of the people, once said:

"The people—why, the people is a great beast."

In this same Constitutional Convention Mr. Dickerson said:

"The Senate should consist of characters distinguished for their rank in life and their weight of property, and it should bear a strong likeness to the British House of Lords."

In the same convention Mr. Roger Sherman said:

"The people immediately should have as little to do as may be about the Government."

In the same convention Mr. Mason said:

"The one important object in constituting the Senate is to secure the rights of property."

In this same convention Mr. Edmund Randolph, while speaking of the Senate, said:

"The object of this second branch is to control the democratic branch of the National Legislature."

For verification of these quotations, see Madison's Journal of the Constitutional Convention.

Reviewing some of the recent history of the United States Senate as a body, and measuring it according to the intentions of Morris, Dickerson, Sherman, Gerry, Randolph, and Mason, above quoted, and many others, it is obvious that it has never departed far from the ideas that gave it birth. It would be unjust, however, and atrociously false as well, to insinuate that there has ever been a scarcity of able and patriotic men in the Senate, and it is a pleasant commentary upon the vicissitude of the Nation to know that out of the 1,083 men who have been chosen to serve in that body since the organization of the Government but very few have been cowardly, ignorant, or corrupt.

The crying need of the hour is to bring the Senate into close touch with the people and cause it to realize that it is of the earth earthy, and that however learned, however august that body may be, it has no strength, no power, save that which comes primarily from the people. In the confusing political and social swirl the Senate has not been in close touch with the people, and only by bringing it near the hearts of the common people can it be given a revivifying touch of purity and justice, which can best be done by the direct election of Senators.

Senators of virtue and personal honesty sometimes lack essential grit and courage, and thus they give to the "interests" and trusts the service of silence, which is valuable to any trust or corporation seeking special privileges. Therefore in the Senate I shall resolutely speak, no matter what the consequences may be.

THE JUDICIARY.

Section 1 of Article III of the Constitution of the United States reads as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior."

In other words, these judges hold their positions for life, unless removed by the process of impeachment, the impeachment power being lodged with the Senate. These judges of the Supreme Court of the United States, not one of them elected by the people and not one of them susceptible of being defeated or dismissed by the people, by a vote of five out of nine may undo the work of both Houses of Congress and the President and thus set at naught the will of a Nation of 90,000,000 people.

We hear very much of the independence of English judges. It is true they are independent of the Crown only, but not independent of Parliament. A most cursory glance will show that with all the boasted superiority of English judges they are not independent of Parliament.

"The act of settlement passed in 1701, which provided for what is known as the judicial tenure, made the judges independent only of the

Crown, since it enacted that judges might be removed by the Crown only upon the address of both houses of Parliament. The result in England was that while the judges made a few feeble attempts to claim the right to declare void acts of Parliament on the ground that they were violative of the judicial idea of natural right, they soon abandoned such attempts, and for more than a century no English judge has dared so much as to hint that an act of Parliament does not have the force of law."

We must not forget that there are also a number of inferior Federal courts that have been created by Congress from time to time. The reactionary decisions, particularly against the laboring men, as well as sweeping injunctions, have in a large majority of cases come from these Federal judges, who sit for life, are not elected by the people and may not be dismissed by the people. Hence it will not be sufficient to confine the operations of the recall merely to the members of the State courts. Therefore, I shall support the resolution recently introduced by Senator OWEN, to subject these inferior Federal judges to a recall.

Thomas Jefferson, that sage of Democrats, had some very definite ideas about Federal judges, for, in writing to Mr. Ritchie, he said: "The judiciary of the United States is a subtle corps of sappers constantly working underground to undermine the foundation of our confederated fabric."

Again, Mr. Jefferson, in writing to Mr. Jarvis, speaking of the judges, declared:

"They (Federal judges) have with others the same passion for party, for power, and the privileges of their corps. Their maxim is, 'It is the business of a good judge to extend his jurisdiction,' and their power is the more dangerous, as they are in office for life, and not responsible, as the other functionaries are, to elective control."

RADICALISM.

There is a strong suspicion as to the true progressiveness of those public men, who during political campaigns promise to serve the people, but who, after election, whenever any proposal is made for the real benefit of the people, cry out that such attempt is paternalism, or socialism, or radicalism.

A real Progressive will never be frightened from a high purpose. The calling of hard names did not frighten John Hampden when he arraigned his King for the unconstitutional exactions of ship money, and Thomas Jefferson did not permit himself to entertain politic doubts when he declared all men to be created free and equal. David Lloyd George, British chancellor of the exchequer, was furiously denounced when, in 1909, he introduced his budget. The lords called him a radical. Worse than that, they called him a thief. When he attempted to pass the graduated income tax and the graduated inheritance tax they said these were new and revolutionary measures, but they forgot that in the same year France raised more than \$150,000,000 from these two sources. Lloyd George also included a pension system to save the workmen of his land from the bitterness of want in their old age, and a system of compulsory insurance for workmen, and the lords were immediately alarmed. They said these were revolutionary and radical, and forgot that when Iron-handed Bismarck was building anew the German Empire one of the first things he did was to organize a plan to insure the workmen and their families against those misfortunes so frequently met in the lives of workmen; and that on February 6, 1890, the German Emperor wrote Bismarck that "it is the duty of the State to regulate the duration and conditions of work in such a manner that the health, happiness, and morality of the workmen may be preserved and their equality before the law assured."

ABOLITION OF COMMERCE COURT.

The Commerce Court is an unnecessary tribunal. "The Interstate Commerce Commission as now constituted consists of five lawyers and two railroad and economic experts. The legal members by their long experience have become experts, while the purely expert members have in like manner become good lawyers within the field of railroad litigation. When such a body has fairly and fully investigated a matter within its jurisdiction, it is absurd in all cases, and rank injustice in many, to require its action to run the gantlet of two courts before the questions are finally decided."

Moreover, the law should be changed, to the end that any and all findings, judgments, decrees, and rates fixed by the Interstate Commerce Commission shall remain in full force and effect until after a full and final hearing by the court of last resort, to the end that the people instead of the railroads shall have the benefit of the law's delay.

SHERMAN ANTITRUST LAW.

The mere imposition of fines upon trust magnates who violate the Sherman antitrust law is little more than a farce.

Trusts are composed of property and persons. Laws in this respect can do no more than to imprison persons and confiscate property. The Sherman antitrust law authorizes both of these punishments. Many statesmen believe in the theory of regulation, but if that theory is good why doesn't it work? If that theory is good, why is it that the trusts are more powerful to-day than they have ever been? The Sherman law has been on the statute books 22 years, and these 22 have been the era of the stupendous growth of the trusts. The truth is that you may fine a trust magnate as heavily as you please and by a simple raising of the price of the articles which the trust sells the trust magnate will quietly bring the money from the pocket of the consumer into his own pocket with which to pay the fine. There is, however, a remedy, and it is governmental competition or governmental cooperation. Governments now do many things for citizens that citizens can not do for themselves. If the Government has enough intelligence to build large irrigation dams, dig the Panama Canal, operate post offices, and build battleships, it surely should have the intelligence to follow the English example and build large cold-storage warehouses, so that the cattle grower and sheep raiser will not be obliged to accept the price which Armour, Cudahy, and Swift are pleased to fix.

A very good way to curb the Coal Trust would be to let the Nation open up coal mines, build railroads to carry the coal to the market, and there sell to all without favor or discrimination. And in this connection I quote from the very able and thoughtful article recently written by Gen. H. M. Crittenden:

"If it be 'paternalism' to do work in a more efficient rather than a less efficient way, to guard the people's interests and give them the best results for their money, then let it be 'paternalism.' If it be 'socialism' for the people collectively to take hold of a great enterprise like Panama or the arid-lands reclamation, then let us welcome socialism. As to absenteeism, if the President of the United States, with his whole executive machinery, as relates to this matter, in Seattle or Alaska, would be any more of an absentee than the Guggenheims of New York, the writer fails to see it."

I read the other day of a boy's essay on the Government of the United States, and the boy defined our Government to be an organization—

- "That can build warships, but not peace ships;
- "That can distribute mail, but not express matter;
- "That can run navy yards, but not stockyards;
- "That can build canals, but not railways;
- "That can give away valuable rights, but never get them back."

THE GOVERNMENT COULD SAVE MILLIONS BY USING ITS OWN POSTAL CARS.

The United States pays each year to the railroads \$4,800,000 for rent of postal cars with which to carry the mails, and the railroads usually furnish wooden cars that "telescope" during wrecks and kill or maim the underpaid and overworked postal clerks. Remember that this \$4,800,000 paid to the railroad companies each year as rental for the post-office cars is in addition to the \$46,000,000 paid each year to the railroad companies for carrying the mails. Consider for a moment what an enormous sum of money could be saved to the Government if it would build its own cars.

The most expensive car, all steel, costs \$12,000 and its average life is 25 years, so that with this \$4,800,000 which the Government pays the railroads each year for the rent of cars we could build 400 steel cars annually.

The sum of money, aggregating \$46,000,000 annually, for carrying mail, is reached because railroads charge the United States 4½ cents per pound for carrying mail matter, but the railroads carry the express matter for express companies at three-fourths of a cent per pound. Such robbery of the Government must not be permitted to continue.

I am an advocate of the parcel post, and, as John Wanamaker said, there are only four reasons why we have been unable to get the parcel post, and these four reasons are the four express companies of the United States.

CONSERVATION.

I am in favor of common-sense conservation of our natural resources, but am strongly opposed to that bureaucratic policy of so-called conservation, which is really retrogression and stagnation, and which excludes the miner, the prospector, the live-stock raiser, and the homesteader from legitimate opportunity.

Land, coal, timber, iron, oil, and all natural resources were created for man's use. They are valuable only after labor has been applied to their raw condition and converted them into products useful to mankind.

The wholesale withdrawals of public lands and the narrow, strained, and illiberal constructions placed by the Interior Department upon the laws relating to such subjects have resulted in denying hundreds of thousands of our citizens the opportunity to earn a living, and such policy is annually driving thousands of Americans to Canada, where they may "get back to the soil."

Of course the Coal Trust, Oil Trust, and Lumber Trust encourage and promote these withdrawals of public lands so that the trust may retain its monopoly, which would be loosened, if not broken, were such lands placed within the reach of the ordinary citizen.

The best, indeed the only, way to promote settlement and cultivation of the public lands is to open these lands to the poor, to those who are looking for opportunities to make themselves independent, and to those who are endeavoring to escape from the landlordism of another.

THE TARIFF.

In the schoolbooks that are used by the students in our schools we find a tariff to be defined as "an indirect tax, paid by the consumer, laid upon goods imported into a country."

It would be difficult to find a more apt definition of a tariff than this one found in our schoolbooks, but Senator GORE's definition is more sententious. He recently defined a tariff to be "a means of allowing one man to get without working for it that which another man works for but does not get."

The tariff affects the earning capacity of a man; it enters into the expenses of the home builder and the housekeeper; the prices of the children's clothing from hats to shoes are fixed and determined by it; and therefore it is of the utmost importance that husbands and wives, fathers and mothers, should acquaint themselves as fully as possible with the subject.

During the past 40 years the protected interests of this country, with marvelous success, have deluded the public into accepting and believing the ridiculous and false proposition that low tariffs bring low wages and that high protective tariff schedules bring high wages. Nothing could be falser or further from the truth.

Now, what is the purpose of a tariff? Tariffs are levied for revenue or for protection. Sometimes for both. But tariff for protection is the real purpose of the tariff in this country. Revenue tariffs contemplate the bringing of goods into the country. Protective tariffs contemplate the exclusion of goods, and are therefore always higher than revenue tariffs. Under a protective tariff the domestic manufacturer, with a monopoly in the home market, by adding the amount of the duty to the prices of his goods, forces the consumer to pay more for the goods than he—the manufacturer—could sell them for in an open, competitive market. Hence when tariffs are high the consumer pays all the goods are worth, plus the amount of the tariff, and in this way the consumer becomes a contributor out of his earnings and savings to the enormous profits of the trusts and protected industries.

Did you ever hear of a protected industry raising wages because the tariff increased its profits? Never. On the contrary the American workman is compelled to throw his labor into an open, unprotected market and compete with the cheap European and Asiatic laborers who come here. The captains of these great protected industries have a maxim which is as follows: "We buy our labor where we can get it the cheapest." And then these captains of industry, while selling goods at protected prices and while bringing the cheapest labor of the world into competition with the American workman, have the effrontery and the hypocrisy to say that high-tariff schedules protect American labor.

The system of tariff for protection is a fraud; it taxes the consumer and does not raise his wage, and the fictitious prices of goods, under the tariff's operations, are fraudulently obtained by the false pretense of protection to labor.

The tariff baron is privileged to buy labor in the open market, and then, under the thin disguise of protecting labor, he sells his product to the people at enormous prices.

High protective-tariff barons and reactionary Republicans point with tiresome regularity to the fact that laborers' wages are higher in protected America than they are in Great Britain, but no intelligent or well-informed person will be deceived by that "half-told truth."

In England wages are not as high as in the United States when measured by the number of dollars received for a day's work. But when the purchasing power of a dollar is taken as the basis of com-

parison, the American is paid less for his services than the Briton. For instance, the English laborer can buy the necessities of life for one year with 205 days' labor, but to buy these same necessities of life it costs the American laborer 225 days' labor.

Thus we find a great work before the Democratic Party, and that party has always proved equal to every contingency. Its Thomas Jefferson was called a demagogue and his followers a mob when he announced "Equal rights to all and special privileges to none."

Its Andrew Jackson was called an anarchist when he destroyed the conspiracy of the national bank and saved the Union, but the immortal Jackson dared to follow the best promptings of his heart. To-day there are issues to be met as momentous as those which confronted Jefferson and Jackson.

After 15 years of reactionary Republican rule we find evils and abuses which have discouraged and scandalized the Nation, but the Democratic Party is coming back to power. It is coming to untwist the choking grasp which the railroad companies have upon the throat of commerce, it is coming to drive from public office those who have betrayed the people, and as it comes it shakes the very earth with its mighty tread. In its ranks are the dust-begrimed toilers who make their sad appeal.

In its ranks are human sympathy and human love, and the women of this land, who in the silence of self-abnegation suffer while they serve.

It is coming to lift "some portion of that weight and care which crushes into dumb despair one-half of our people."

It hears the prayers of the oppressed and sounds the bugle note of the courageous and the strong. Those whose natural rights have been denied to them so long that they have even begun to doubt the justice of this world are thrilled with the joy of the deliverance which it will bring; the guilty grafters are trembling before it; it is coming to answer the voices of God's angry workmen, whose pockets a high protective tariff has picked; and as it comes it is sounding forth the trumpet that shall never call retreat.

DEATH OF REPRESENTATIVE JOHN G. McHENRY.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. JOHN G. McHENRY, late a Representative from the State of Pennsylvania, and transmitted resolutions of the House thereon.

Mr. PENROSE. I ask the Chair to lay before the Senate the resolutions just received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, January 2, 1913.

Resolved, That the House of Representatives has heard with profound sorrow of the death of the Hon. JOHN G. McHENRY, late a Representative from the State of Pennsylvania.

Resolved, That the Clerk be directed to communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of JOHN G. McHENRY the House do now adjourn.

Mr. PENROSE. Mr. President, I offer the resolutions which I send to the desk, and ask for the present consideration of the same.

The PRESIDENT pro tempore. The resolutions will be read.

The resolutions (S. Res. 416) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOHN GEISER McHENRY, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. PENROSE. I submit the following resolution, which I ask the Secretary to read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Pennsylvania.

The resolution was unanimously agreed to, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 3, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 2, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of our souls, eternal and ever-present energy, the inspiration of every worthy thought and deed, we thank Thee for the riches which have come down to us out of the past, material, intellectual, spiritual; for the glory of life, the pleasure of possessing, the joy of serving, the heroism of sacrifice, the sympathy for the sorrowing, the charity for the unfortunate, the praise for the well-dones along life's rugged way, the faith that lifts above the stars, the hope that never dies; the love that sanctifies the home, insures the perpetuity of the Nation, and makes the world akin. So may we bring our possessions, our

wealth of mind and soul, into the new year, a thank-offering to Thee, O God our Father, making the world richer, brighter, more joyous that we have lived and wrought. And all praise shall be Thine forever. Amen.

The Journal of the proceedings of December 19, 1912, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of Wisconsin, for three days, on account of illness.

To Mr. BARTLETT, indefinitely, on account of illness in his family.

To Mr. CAMPBELL, indefinitely, on account of the serious illness of his mother.

To Mr. HART, for one week, on account of illness.

To Mr. NEELEY, indefinitely, on account of illness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10169. An act to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge, and for the trial of cases in the event of the disqualification of or inability to act by the said judge; and

H. R. 10048. An act amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and to protect the same."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5138. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement; and

S. 7448. An act restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The message also announced that the President pro tempore had appointed Mr. TOWNSEND to fill the vacancy occasioned by the resignation of Mr. BRIGGS on the joint committee to make further inquiry into the subject of parcel post created under the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. SMITH of South Carolina as the conferees on the part of the Senate.

CHANGE OF REFERENCE—LINCOLN MEMORIAL.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. When the House adjourned on the afternoon of the 19th of December, a roll call was pending on a motion to change the reference of Senate concurrent resolution 32, if I remember the number correctly, which had been sent to the Committee on Appropriations, back to the Committee on the Library.

Mr. BORLAND. Not back.

Mr. SLAYDEN. I would like to know, Mr. Speaker, whether the proceedings before taken make it necessary to renew that motion at this time.

The SPEAKER. The Chair thinks that inasmuch as the previous question had not been ordered you would have to begin de novo.

Mr. SLAYDEN. Mr. Speaker, I move that the Senate concurrent resolution 32—I think it is—referring to the Lincoln Memorial, be withdrawn from the Committee on Appropriations, to which it was sent, and sent to the Committee on the Library.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. SLAYDEN] may have five minutes in which to make his statement, and if he avails himself of the opportunity I move that I may have five minutes in which to reply.

The SPEAKER. This matter is not debatable—

Mr. BORLAND. I know; and therefore I asked unanimous consent—

The SPEAKER. So the gentleman from Missouri [Mr. BORLAND] asks unanimous consent that the gentleman from Texas [Mr. SLAYDEN] may have five minutes in which to state his contention.

Mr. MANN. Mr. Speaker, I do not desire to object, but I think the House ought not to get into a position where it can not hear an announcement which I understand the gentleman from Pennsylvania [Mr. PALMER] has to make. The House will soon be in that position if the gentleman from Missouri [Mr. BORLAND] insists upon his request or the gentleman from Texas [Mr. SLAYDEN] on his motion at this time.

Mr. SLAYDEN. Mr. Speaker, I may say, for the information of the Chair, that I know of the resolution that the gentleman from Illinois [Mr. MANN] refers to, and it being evident that there is no quorum present I am willing, with the understanding that there shall be no forfeiture of rights in this matter, that the gentleman from Pennsylvania [Mr. PALMER] shall present his resolution of condolence, and let this matter go over until to-morrow without prejudice.

The SPEAKER. By common consent the matter referred to by the gentleman from Texas [Mr. SLAYDEN] goes over until to-morrow morning.

Mr. MANN. It will be in order to-morrow morning anyway.

IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I move that the House insist on its amendment to the Senate bill 3175, to regulate the immigration of aliens to and the residence of aliens in the United States, and agree to a conference.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves that the House insist on its amendment to Senate bill 3175, and agree to a conference as asked by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama [Mr. BURNETT].

Mr. BARTHOLDT. Mr. Speaker, I should like to ask the gentleman from Alabama what is the character of the Senate amendments?

Mr. BURNETT. The Senate has not made any amendments. The Senate has refused to concur in the amendment of the House and has appointed conferees. We are insisting on our amendment and agreeing to the committee of conference which the Senate asks.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BURNETT, Mr. SABATH, and Mr. GARDNER of Massachusetts.

DEATH OF REPRESENTATIVE M'HENRY.

Mr. PALMER. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 759.

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. JOHN G. M'HENRY, late a Representative from Pennsylvania.

Resolved, That the Clerk be directed to communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

Mr. PALMER. Mr. Speaker, I offer the following additional resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of JOHN G. M'HENRY, the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Friday, January 3, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Redondo Harbor, Cal. (H. Doc. No. 1192); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Plymouth Harbor, Mass. (H. Doc. No. 1194); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel between Great Peconic and Little Peconic

Bays, N. Y. (H. Doc. No. 1199); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Baltimore Harbor, Md., at York Spit, Chesapeake Bay (H. Doc. No. 1190); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Scuppernon River, N. C., to the town of Cherry (H. Doc. No. 1196); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Acting Secretary of War, transmitting statement of publications on hand, received, and issued by the War Department during the fiscal year ended June 30, 1912 (H. Doc. No. 1197); to the Committee on Expenditures in the War Department and ordered to be printed.

7. A letter from the Secretary of War, transmitting statement of mileage paid to officers of the Army for travel performed in connection with attendance at societies and associations from June 30 to December 1, 1912 (H. Doc. No. 1210); to the Committee on Expenditures in the War Department and ordered to be printed.

8. A letter from the Secretary of War, requesting that the sum of \$100,000 of the estimate of appropriation for the fiscal year 1914 for "Horses for Cavalry, Artillery, Engineers," etc., be made immediately available (H. Doc. No. 1198); to the Committee on Military Affairs and ordered to be printed.

9. A letter from the Secretary of War, transmitting report of expenditures, "Extensions and betterment of the Washington-Alaska military cable and telegraph system," pursuant to an act of Congress approved March 23, 1910 (H. Doc. No. 1201); to the Committee on Military Affairs and ordered to be printed.

10. A letter from the Secretary of the Treasury, recommending the repeal of that clause in the sundry civil appropriation act for 1913 which provides that "No additional appointment as cadet or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress" (H. Doc. No. 1206); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, calling attention to House Document No. 525, relating to "Power plant for certain public buildings, District of Columbia," and urging favorable consideration by Congress (H. Doc. No. 1208); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting a communication from the Board of Commissioners of the District of Columbia submitting supplemental estimate of appropriation for altering the Pennsylvania Avenue Bridge across the Anacostia River or Eastern Branch by the insertion of a draw span as required by the Secretary of War (H. Doc. No. 1203); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, calling attention to his letter of December 2, 1912, transmitting copy of a communication from the Secretary of State, submitting estimate of appropriation in the matter of the international effort to eradicate the opium evil and recommending that an appropriation therefor be included in the urgent deficiency bill (H. Doc. No. 1193); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency appropriation required by the War Department for Army paymasters and clerks (H. Doc. No. 1200); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, submitting estimate of appropriation for construction and installation of special automatic and recording scales for weighing merchandise, etc., in connection with imports at the various ports of entry (H. Doc. No. 1191); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental estimate of appropriation required for the naval establishment for the fiscal year ending June 30, 1914 (H. Doc. No. 1207); to the Committee on Naval Affairs and ordered to be printed.

17. A letter from the Secretary of the Treasury, submitting supplemental estimate for appropriation to provide temporary quarters for Government officials during progress of work in connection with enlargement of public buildings in Boston, Mass., and Charlotte, N. C. (H. Doc. No. 1205); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Postmaster General, transmitting a statement of expenses of attendance of officers and employees of the Post Office Department at conventions of postal employees

incurred from June 30 to December 1, 1912 (H. Doc. No. 1211); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

19. A letter from the Librarian of Congress, submitting a statement of expenses incurred by officers and employees in attendance at meetings or conventions under written authority of the Librarian of Congress from June 30 to December 1, 1912 (H. Doc. No. 1212); to the Committee on Appropriations and ordered to be printed.

20. A letter from the Acting Secretary of Commerce and Labor, transmitting statement of expenses incurred by officers and employees of the department from June 30 to December 1, 1912, while in attendance upon societies or conventions (H. Doc. No. 1214); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

21. A letter from the Secretary of the Interstate Commerce Commission, transmitting a statement of travel expenses incurred by officers and employees of the commission when employed outside of Washington, D. C., from June 30, 1912, to December 1, 1912 (H. Doc. No. 1209); to the Committee on Appropriations and ordered to be printed.

22. A letter from the Board of Commissioners of the District of Columbia, transmitting report of investigation made by the Commissioners of the District as to the desirability of establishing a municipal asphalt plant and recommending the establishment of such a plant (H. Doc. No. 1195); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Secretary of Agriculture, transmitting statement of expenses incurred by officers and employees of the Department of Agriculture from June 30 to December 1, 1912, while in attendance upon societies or conventions (H. Doc. No. 1215); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

24. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation for the construction of the necessary officers' quarters and other buildings required at the remount depot, Front Royal, Va. (H. Doc. No. 1204); to the Committee on Appropriations and ordered to be printed.

25. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the ascertainment of electors for President and Vice President appointed in the State of Arizona at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

26. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of California at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

27. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Connecticut at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

28. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Iowa at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

29. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Kentucky at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

30. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Louisiana at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

31. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Montana at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

32. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Nevada at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

33. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of New Jersey at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

34. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of New Mexico at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

35. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of North Carolina at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

36. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of North Dakota at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

37. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Ohio at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

38. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the ascertainment of electors for President and Vice President appointed in the State of West Virginia at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

39. A letter from the Attorney General of the United States, submitting statement of expenses incurred by officers and employees of the Department of Justice in attending societies or conventions from June 30 to December 1, 1912 (H. Doc. No. 1213); to the Committee on Expenditures in the Department of Justice and ordered to be printed.

40. A letter from the Secretary of War, transmitting report of expenditures for extensions and betterment of the Washington-Alaska military cable and telegraph systems pursuant to act of March 3, 1911 (H. Doc. No. 1202); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. REDFIELD, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 1278), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Ohio: A bill (H. R. 27476) to increase the limit of cost of the Federal building heretofore authorized at Dayton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. McKINNEY: A bill (H. R. 27477) for the purchase of a site and the erection thereon of a public building at Aledo, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 27478) authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 27479) appropriating money for the continuing improvement of harbor at the entrance to Humboldt Bay, Cal.; to the Committee on Appropriations.

By Mr. PRAY: A bill (H. R. 27480) authorizing resurveys and retracements in Montana; to the Committee on Appropriations.

Also, a bill (H. R. 27481) providing for appropriation for survey of public lands in the counties of Chouteau, Hill, Blaine, Valley, Dawson, Fergus, Rosebud, and Custer, in Montana; to the Committee on Appropriations.

Also, a bill (H. R. 27482) providing for an exchange of lands and indemnity rights with the State of Montana; to the Committee on Agriculture.

Also, a bill (H. R. 27483) appropriating money for the improvement of the Missouri River from Le Beau, S. Dak., to Fort Benton, Mont.; to the Committee on Rivers and Harbors.

By Mr. BOOHER: A bill (H. R. 27484) authorizing the Secretary of War to donate to the city of Tarkio, Mo., one small bronze cannon, with its carriage and six cannon balls; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 27485) granting certain lands in Arizona to the National Indian Association; to the Committee on Indian Affairs.

Also, a bill (H. R. 27486) to provide for the construction of a bridge across the Colorado River between the Yuma Indian Reservation, in California, and the town of Yuma, in Arizona; to the Committee on Indian Affairs.

By Mr. TOWNER: A bill (H. R. 27487) to strike out books and pamphlets from the third class of mail matter and to include them as entitled to parcel-post rates, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 27488) for the reclassification of mail matter, for the consolidation of the third and fourth classes, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. RUCKER of Missouri: A bill (H. R. 27489) to amend section 3240 of chapter 3 of the Revised Statutes of the United States as amended by act approved June 21, 1906, so as to provide for furnishing certain records or certified copies thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: A bill (H. R. 27490) to authorize the Secretary of the Interior to issue patent to the State of Nebraska for section 9, township 34, range 27 west, sixth principal meridian, Nebraska, in exchange with the State of Nebraska for its school section 36 in the same township; to the Committee on the Public Lands.

By Mr. ROBERTS of Nevada: A bill (H. R. 27491) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 27492) for preventing the manufacture, sale, or transportation of imitated or misbranded articles of commerce and regulating the traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 27493) for the relief of settlers who purchased land under the act of February 20, 1904; to the Committee on the Public Lands.

Also, a bill (H. R. 27494) governing homestead entries in the State of Minnesota; to the Committee on the Public Lands.

By Mr. KENT: A bill (H. R. 27495) authorizing and directing the Secretary of War to cause preliminary examination and survey to be made of the Feather River, Cal., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 27496) authorizing a survey of Napa River in California; to the Committee on Rivers and Harbors.

By Mr. LOBECK: A bill (H. R. 27497) to provide for paying with a proper material the Fort Crook military boulevard from Fort Crook Military Reservation to the south city limits of South Omaha, Nebr., so as to perfect a continuous paved highway from Fort Crook Military Reservation to Fort Omaha Military Reservation; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 27498) to amend an act to provide for an enlarged homestead, approved June 17, 1910; to the Committee on the Public Lands.

By Mr. MARTIN of South Dakota: A bill (H. R. 27499) providing an appropriation to enable the Sioux Indians to employ a competent attorney to make certain investigations and report; to the Committee on Indian Affairs.

Also, a bill (H. R. 27500) to amend section 2291 of the Revised Statutes of the United States as amended June 6, 1912; to the Committee on the Public Lands.

Also, a bill (H. R. 27501) to repeal section 3 of an act providing for second and additional homestead entries, and for other purposes, approved April 28, 1904; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 27502) authorizing the purchase or acquisition of the aviation fields at College Park, Md.,

and property adjacent thereto, for aviation, maneuvers, and other military purposes; to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 27503) to provide for the admission of lumber and other articles of foreign production into the ports of the United States free of duty; to the Committee on Ways and Means.

By Mr. LINTHICUM: Resolution (H. Res. 760) authorizing the appointment of a select committee to investigate the causes of railroad wrecks and accidents; to the Committee on Rules.

By Mr. GODWIN of North Carolina: Resolution (H. Res. 761) authorizing the Committee on Reform in the Civil Service to investigate the present organization of the civil service and submit report thereon; to the Committee on Rules.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 375) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. REDFIELD: A bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANDERSON: A bill (H. R. 27504) granting a pension to Louisa M. Salim; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 27505) granting an increase of pension to William S. Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27506) granting an increase of pension to William C. Barnes; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 27507) granting a pension to John H. Shaw; to the Committee on Pensions.

Also, a bill (H. R. 27508) granting an increase of pension to Clark H. Shepherd; to the Committee on Pensions.

Also, a bill (H. R. 27509) granting an increase of pension to Frances E. Malloy; to the Committee on Pensions.

Also, a bill (H. R. 27510) granting an increase of pension to Ralph E. Truman; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 27511) granting an increase of pension to Levi D. Bodley; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 27512) granting an increase of pension to Lusenah Fuller; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 27513) granting a pension to Moses Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27514) granting a pension to Ida De Portee; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 27515) granting an increase of pension to George G. De Wolf; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 27516) for the relief of Uriah S. Town; to the Committee on the Public Lands.

Also, a bill (H. R. 27517) for the relief of Grace Harris; to the Committee on the Public Lands.

By Mr. LINDSAY: A bill (H. R. 27518) granting an increase of pension to Joseph W. Jeroloman; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 27519) for the relief of Lavern Walker; to the Committee on Military Affairs.

Also, a bill (H. R. 27520) granting a pension to Augustus E. Oberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27521) granting an increase of pension to Sarah C. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27522) granting an increase of pension to James M. Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27523) granting an increase of pension to Elizabeth J. Dennis; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 27524) granting an increase of pension to Joshua Minthorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27525) granting an increase of pension to George Wells; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 27526) granting a pension to Emma B. Showalter; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 27527) granting a pension to Elizabeth M. Burson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27528) granting a pension to Lyman E. Tibbits; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27529) granting a pension to Charles F. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27530) granting an increase of pension to Levi Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27531) granting an increase of pension to Jacob C. Rennaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27532) granting an increase of pension to Robert Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27533) granting an increase of pension to Lafayette Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27534) granting an increase of pension to Charles W. Botkin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27535) granting an increase of pension to Bailey Spivey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27536) granting an increase of pension to Martin Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27537) granting an increase of pension to Jonathan Colyar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27538) granting an increase of pension to Henry Miller; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 27539) for the relief of Thomas G. Running; to the Committee on Claims.

Also, a bill (H. R. 27540) granting a pension to Sarah M. Wood; to the Committee on Pensions.

Also, a bill (H. R. 27541) granting an increase of pension to John W. Stults; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27542) granting an increase of pension to Lucy A. Ellithorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27543) for the relief of the legal representatives of Thomas B. McClintic, deceased; to the Committee on Claims.

By Mr. RAKER: A bill (H. R. 27544) for the relief of Thomas F. Howell; to the Committee on the Public Lands.

Also, a bill (H. R. 27545) for the relief of James Diamond, for horse lost while hired by the United States Forest Service; to the Committee on Claims.

By Mr. RUCKER of Missouri: A bill (H. R. 27546) granting an increase of pension to Brackett Munsey; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 27547) granting an increase of pension to Thomas M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27548) granting an increase of pension to Ira Baker; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 27549) granting a pension to Adolph Lalonde; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 27550) for the relief of the Minnesota & Ontario Power Co.; to the Committee on Claims.

Also, a bill (H. R. 27551) granting a pension to Mitilde K. Schiffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27552) granting a pension to Ole Hamrey; to the Committee on Pensions.

Also, a bill (H. R. 27553) granting a pension to August Jobst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27554) granting an increase of pension to Frank B. Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27555) granting an increase of pension to James T. Moran; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 27556) granting an increase of pension to George Ingram; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Papers to accompany bill granting a pension to Louisa M. McLean; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of the Woman's Christian Temperance Union of Wooten, Ohio, favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Baltimore Clothing Co. and 13 other merchants of Newcomerstown, Ohio, favoring legislation increasing the power of the Interstate Commerce Commission over the express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of F. Reichmann, superintendent of weights and measures of the State of New York, protesting against the passage of House bill 23113; to the Committee on Ways and Means.

Also, petition of the Central Federated Union of New York, protesting against the passage of the Kenyon-Sheppard bill or any other bill preventing the shipment of liquor into dry territories; to the Committee on the Judiciary.

Also, petition of the National Society for the Promotion of Industrial Education, favoring the passage of the Page-Wilson bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Merchants' Association of New York, favoring the passage of House bill 25106, for the incorporation of the chamber of commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany bill for the relief of George G. DeWolf; to the Committee on Invalid Pensions.

Also, petition of Christopher Finkbeiner, of Toledo, Ohio, favoring the passage of House bill 1330, increasing pension of those who lost a limb in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Railway Business Association, favoring the passage of House bill 25106, to grant a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of the State of South Dakota, favoring the passage of the amended Kenyon bill (S. 4043), preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of the Texas State Historical Association, favoring passage of legislation providing for the building of a national archives building; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: Petition of the Maine State Grange, favoring the passage of the Page bill (S. 3), for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Maine State Grange, favoring the passage of legislation to prohibit the destruction of insect-eating birds; to the Committee on Agriculture.

By Mr. KINDRED: Petition of Holmes Beckwith, favoring the passage of the Page-Wilson bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Merchants' Association of New York, favoring the passage of House bill 25106, providing for the incorporation of the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the American Federation of Labor, Rochester, N. Y., and the National Society for the Promotion of Industrial Education, New York, favoring the passage of the Page-Wilson bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the American Federation of Labor, favoring the passage of the Page bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the National Conservation Association, favoring legislation making appropriation for the building of a Government building at the National Conservation Exposition; to the Committee on Public Buildings and Grounds.

Also, petition of the Grain Dealers' National Association, favoring the passage of House bill 3010, regulating the transmission of all telephone and telegraph messages; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Grain Dealers' National Association, favoring the passage of Senate bill 957, for the regulation of bills of lading; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Civic League, favoring the passage of any legislation preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Central Federated Union, New York, protesting against the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Federation of Retail Merchants, St. Louis, Mo., protesting against the passage of any legislation abolishing the rights of the manufacturers to regulate the prices; to the Committee on Patents.

Also, petition of Federation of Jewish Farmers of America, favoring the passage of legislation adopting system of farmers' credit unions; to the Committee on Banking and Currency.

By Mr. LINDSAY: Petition of the national advisory board of the National Conservation Exposition, favoring legislation making appropriation for the erection of a Government building

at the National Conservation Exposition; to the Committee on Public Buildings and Grounds.

Also, petition of general executive committee of the Railway Business Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Federation of Retail Merchants, St. Louis, Mo., and the Associations of National Advertising Managers of the United States, protesting against the passage of section 2 of House bill 23417, preventing manufacturers fixing prices on all goods; to the Committee on Patents.

Also, petition of the New York Civic League, favoring the passage of any legislation preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of Federation of Jewish Farmers of America, favoring passage of legislation adopting systems of farmers' credit unions; to the Committee on Banking and Currency.

Also, petition of J. F. Lambson, Lexington, Nebr.; Christopher Finkbeiner, Toledo, Ohio; John Brosnon, Brooklyn, N. Y.; and Stephens Meloche, New Orleans, La., favoring the passage of bill 1339, granting an increase of pension to veterans who lost a limb in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the New York Produce Exchange, favoring the passage of House bill 25106, incorporating the Chamber of Commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: Petition of business men of Fairfax, Colome, Winner, Herrick, and Bonesteel, S. Dak., favoring passage of legislation inserting a clause in the interstate-commerce laws making it possible to cause concerns selling goods directly to consumers or entirely by mail to contribute their portion of the funds toward development of the community, county, and State; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of the Fifth Philadelphia District Committee and Washington Camp, No. 533, Patriotic Order Sons of America, favoring the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MURDOCK: Petition of the Woman's Christian Temperance Union of Oxford and citizens of Wichita and the Church of Brethren of McPherson, Kans., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of the Buffalo Chamber of Commerce, favoring the passage of House bill 26877, relocating the pierhead line in the Hudson River between Pier 1 and West Thirteenth Street; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Petition of the Civic Association of Alhambra, Cal., protesting against the passage of any legislation tending to destroy the present national system of protecting the forests; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of the Primrose Club, of Stillwater, Minn., favoring the passage of legislation removing the tax on oleomargarine; to the Committee on Agriculture.

SENATE.

FRIDAY, January 3, 1913.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Thou who hearest prayer, hearken unto us, we beseech Thee, as we make our morning supplication. Thou knowest our frame, Thou rememberest that we are dust. Thou hast made us to know how frail we are, and how brief and uncertain is our tenure in these houses of clay. Thou hast called from our midst a Member of this Senate, making us to know anew that the way of man is not in himself alone, and that it is not in us who walk to direct our steps. And to whom may we turn, our Father, but to Thee who holdest us in Thy keeping, living or dying? We humbly commit ourselves to Thee, praying that Thou wilt keep us evermore in Thy love and uphold us with Thy spirit.

And now may God, our Father, who hast loved us with an everlasting love, and who hast called us into His eternal kingdom in Christ, comfort our hearts and establish them in every good word and in every good work. Unto Him be glory and honor, dominion and power, now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR JEFF DAVIS.

Mr. CLARKE of Arkansas. Mr. President, it becomes my melancholy duty to announce to the Senate the death of my colleague, Senator JEFF DAVIS, who departed this life at Little Rock on yesterday. With this simple statement there is announced the close of the career of one of the most extraordinary men of his time and section. This is not the appropriate time to analyze his purposes and his plans with a view of determining the philosophy that controlled his life, public and private, but another time will be chosen for that purpose, when I shall ask the Senate to lay aside its usual business to give attention to that feature of his career.

He was extraordinary in the sense that he inspired friendships that knew no deviation and no surrender and provoked criticisms that absolutely went beyond the bounds of all possible reason. To ascertain the purposes that ran through his life will be the interesting study of those of us who had some opportunity to observe his course and to know his motives. As I said, I shall not proceed further along that line at this time, as I hope to be able hereafter to join with his other friends here in paying proper tribute to his life and his memory.

I ask for the adoption of the resolutions which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Arkansas submits resolutions, for which he asks present consideration. The resolutions will be read.

The resolutions (S. Res. 417) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

Resolved, That a committee of eight Senators be appointed by the President of the Senate pro tempore to take order for superintending the funeral of Mr. DAVIS at his late home in Little Rock, Ark.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore appointed as the committee under the second resolution Mr. CLARKE of Arkansas, Mr. POMERENE, Mr. O'GORMAN, Mr. BRYAN, Mr. ASHURST, Mr. MARTINE of New Jersey, Mr. CURTIS, and Mr. CLAPP.

Mr. CLARKE of Arkansas. Mr. President, I offer the following resolution, and ask for its adoption.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased Senate, and the Senate sitting as a Court of Impeachment, do now adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Arkansas.

The resolution was unanimously agreed to, and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 4, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 3, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Help us, O God, our Father, to realize that we are Thine, that nothing in life or death can separate us from Thee. It is Thou who hast made us and not we ourselves. Death comes all unbidden and touches the depths of our hearts. Comfort, we beseech Thee, the families connected with this body into which the angel of death has so recently come, that they may look forward into the bright beyond without doubt or fear.

Be with the family of the Member who is sorely afflicted; restore him, we pray Thee, to health and strength that he may pursue the useful walks of life. Keep us all and our dear ones close to Thee in the faith and hope of Thy ruling and overruling Providence. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had, on December 10, 1912, approved and signed bill of the following title:

H. R. 20287. An act to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905.